

## Appointment

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**From:** Bodine, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]  
**Sent:** 5/3/2018 2:38:22 AM  
**Subject:** oil and gas audit program  
**Start:** 5/3/2018 3:00:00 PM  
**End:** 5/3/2018 4:00:00 PM  
**Show Time As:** Busy

Message

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**From:** Swack, David [Swack.David@epa.gov]  
**Sent:** 9/19/2018 2:22:30 PM  
**To:** Dombrowski, John [Dombrowski.John@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; DeLeon, Rafael [Deleon.Rafael@epa.gov]; Barnet, Henry [Barnet.Henry@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; McKeever, Michele [McKeever.Michele@epa.gov]  
**CC:** Warren, JohnM [Warren.JohnM@epa.gov]  
**Subject:** RE: OMB Package - Draft Final  
**Attachments:** FY 2020 OMB Hearing FINAL 9-19-18 am.ppt

Here it is with the footnote fix in case you want to print one for yourself (we'll have copies).

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**From:** Dombrowski, John  
**Sent:** Wednesday, September 19, 2018 9:32 AM  
**To:** Bodine, Susan <bodine.susan@epa.gov>; Swack, David <Swack.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; McKeever, Michele <McKeever.Michele@epa.gov>  
**Cc:** Warren, JohnM <Warren.JohnM@epa.gov>  
**Subject:** RE: OMB Package - Draft Final

Good catch/clarification. The footnote should read:

# Deliberative Process / Ex. 5

Thx

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John Dombrowski, P.E.  
Director (Acting)  
Office of Compliance  
Office of Enforcement and Compliance Assurance, U.S. EPA  
WJC South, Room 5140A (within 5142 bay area)  
202-566-0742 (Office)

**Ex. 6** (Cell)

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**From:** Bodine, Susan  
**Sent:** Wednesday, September 19, 2018 9:12 AM  
**To:** Swack, David <Swack.David@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; McKeever, Michele <McKeever.Michele@epa.gov>  
**Cc:** Warren, JohnM <Warren.JohnM@epa.gov>  
**Subject:** RE: OMB Package - Draft Final

# Deliberative Process / Ex. 5

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**From:** Swack, David

**Sent:** Wednesday, September 19, 2018 9:06 AM

**To:** Bodine, Susan <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>; Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>; Kelley, Rosemarie <[Kelley.Rosemarie@epa.gov](mailto:Kelley.Rosemarie@epa.gov)>; Dombrowski, John <[Dombrowski.John@epa.gov](mailto:Dombrowski.John@epa.gov)>; DeLeon, Rafael <[Deleon.Rafael@epa.gov](mailto:Deleon.Rafael@epa.gov)>; Barnet, Henry <[Barnet.Henry@epa.gov](mailto:Barnet.Henry@epa.gov)>; Muller, Marie <[MULLER.MARIE@EPA.GOV](mailto:MULLER.MARIE@EPA.GOV)>; McKeever, Michele <[McKeever.Michele@epa.gov](mailto:McKeever.Michele@epa.gov)>

**Cc:** Warren, JohnM <[Warren.JohnM@epa.gov](mailto:Warren.JohnM@epa.gov)>

**Subject:** OMB Package - Draft Final

Attached is the OMB package with a couple of fixes from yesterday's discussion – (more space on slide 2, new footnote on slide 13, and corrected typos in the date on slides 13-15). Please take a last look and let us know if you see any typos or cosmetic issues. Our plan is to print the sets around 10:30. Thanks,

David

DOCUMENT ED\_002311\_00000107 HAS BEEN WITHHELD IN FULL  
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Message

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**From:** Swack, David [Swack.David@epa.gov]  
**Sent:** 9/17/2018 7:40:30 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Fogarty, Johnpc [Fogarty.Johnpc@epa.gov]; Porter, Amy [Porter.Amy@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]; McKeever, Michele [McKeever.Michele@epa.gov]; Barnet, Henry [Barnet.Henry@epa.gov]; Mazakas, Pam [Mazakas.Pam@epa.gov]; Leff, Karin [Leff.Karin@epa.gov]; Muller, Marie [MULLER.MARIE@EPA.GOV]; Mackey, Cyndy [Mackey.Cyndy@epa.gov]; DeLeon, Rafael [Deleon.Rafael@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]  
**CC:** Warren, JohnM [Warren.JohnM@epa.gov]; Strickland, Francine [Strickland.Francine@epa.gov]; James, Christina [james.christina@epa.gov]; McCray, Deborah [McCray.Deborah@epa.gov]; Toy, Nancy [Toy.Nancy@epa.gov]; Alston, Wanda [Alston.Wanda@epa.gov]; Pointer, Shereta [Pointer.Shereta@epa.gov]  
**Subject:** Revised OMB Presentation  
**Attachments:** FY 2020 OMB Hearing Draft 9-17-18 AA DAA edits.ppt

All,

Attached is the revised OMB presentation reflecting comments we received on Friday's draft. This version incorporates the following changes:

# Deliberative Process / Ex. 5

Let us know at your earliest convenience if you have additional comments or proposed changes. We're hoping to finalize the package by COB tomorrow, so we can print Wednesday morning. Also, we should be in touch shortly regarding transportation. Attendees should remember to bring their driver's license to OMB along with their EPA ID. Thanks,

David

DOCUMENT ED\_002311\_00000131 HAS BEEN WITHHELD IN FULL  
UNDER EXEMPTION 5, DELIBERATIVE PROCESS

**From:** Traylor, Patrick [traylor.patrick@epa.gov]  
**Sent:** 6/19/2018 1:22:16 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**Subject:** FW: O&G Audit Program Q&A

# Deliberative Process / Ex. 5

**Patrick Traylor**

Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

Ex. 6 (cell)

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**From:** Chapman, Apple  
**Sent:** Friday, June 15, 2018 3:22 PM  
**To:** Traylor, Patrick <traylor.patrick@epa.gov>  
**Subject:** RE: O&G Audit Program Q&A

Patrick I have revised the Q&A consistent with this change and also asked 2 of our law clerks to review the document for typos, readability, etc. They had a handful of good editorial suggestions that I incorporated. The new clean version is attached.

One other issue I wanted to raise with you before posting the Q&A is whether we should

# Deliberative Process / Ex. 5

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*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | Ex. 6 (mobile) |

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**From:** Traylor, Patrick  
**Sent:** Wednesday, June 13, 2018 7:03 AM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>  
**Subject:** Fwd: O&G Audit Program Q&A

Apple, with this change, the O&G audit Q&A document is good to post.

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

**Ex. 6** (cell)

Begin forwarded message:

**From:** "Bodine, Susan" <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>  
**Date:** June 12, 2018 at 11:03:30 PM EDT  
**To:** "Traylor, Patrick" <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>  
**Cc:** "Starfield, Lawrence" <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Subject:** RE: O&G Audit Program Q&A

# Deliberative Process / Ex. 5

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**From:** Traylor, Patrick  
**Sent:** Tuesday, June 12, 2018 10:33 PM  
**To:** Bodine, Susan <[bodine.susan@epa.gov](mailto:bodine.susan@epa.gov)>  
**Cc:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>  
**Subject:** O&G Audit Program Q&A

Susan:

AED has anticipated a number of questions we would expect to receive from the press and at the upcoming stakeholder engagement meetings. They've put together the attached Q&A document, which we would plan to post on the O&G audit program webpage as soon as we approve it.

I've reviewed the document and have no revisions to suggest. Would you please let me have your comments/revisions/approval so we can post it?

Patrick

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  
**Ex. 6** (cell)



Message

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**From:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Sent:** 9/14/2018 8:51:15 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**Subject:** FW: Draft OMB Presentation  
**Attachments:** FY 2020 OMB Hearing Draft 9-14-18 AA DAA edits.ppt

# Deliberative Process / Ex. 5

Larry

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**From:** Warren, JohnM  
**Sent:** Friday, September 14, 2018 4:32 PM  
**To:** Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Swack, David <Swack.David@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; McKeever, Michele <McKeever.Michele@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>  
**Cc:** Strickland, Francine <Strickland.Francine@epa.gov>; James, Christina <james.christina@epa.gov>; McCray, Deborah <McCray.Deborah@epa.gov>; Toy, Nancy <Toy.Nancy@epa.gov>; Alston, Wanda <Alston.Wanda@epa.gov>; Pointer, Shereta <Pointer.Shereta@epa.gov>  
**Subject:** RE: Draft OMB Presentation

Thanks to all for your comments. I've attached the latest version of the presentation which consolidates all comments we received including a new slide 12 on "modernization of OECA's IT data systems..."

Please let us know if you have any questions.

John

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**From:** Bodine, Susan  
**Sent:** Friday, September 14, 2018 10:36 AM  
**To:** Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Swack, David <Swack.David@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; McKeever, Michele <McKeever.Michele@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <DeLeon.Rafael@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>  
**Cc:** Warren, JohnM <Warren.JohnM@epa.gov>; Strickland, Francine <Strickland.Francine@epa.gov>; James, Christina <james.christina@epa.gov>; McCray, Deborah <McCray.Deborah@epa.gov>; Toy, Nancy <Toy.Nancy@epa.gov>; Alston, Wanda <Alston.Wanda@epa.gov>; Pointer, Shereta <Pointer.Shereta@epa.gov>  
**Subject:** RE: Draft OMB Presentation

I made a few edits also to slides 3, 4, 5, and 7

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**From:** Starfield, Lawrence

**Sent:** Thursday, September 13, 2018 10:48 PM

**To:** Swack, David <Swack.David@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; Mckeever, Michele <Mckeever.Michele@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>

**Cc:** Warren, JohnM <Warren.JohnM@epa.gov>; Strickland, Francine <Strickland.Francine@epa.gov>; James, Christina <james.christina@epa.gov>; McCray, Deborah <McCray.Deborah@epa.gov>; Toy, Nancy <Toy.Nancy@epa.gov>; Alston, Wanda <Alston.Wanda@epa.gov>; Pointer, Shereta <Pointer.Shereta@epa.gov>

**Subject:** RE: Draft OMB Presentation

David,

Thanks for assembling the draft slide deck for OMB. I won't be in the office tomorrow, so I thought I'd send you a mark-up tonight (see attached).

A few points:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.

# Deliberative Process / Ex. 5

Larry

This message is CONFIDENTIAL, and may contain legally privileged information. If you are not the intended recipient, or believe you received this communication in error, please delete it immediately, do not copy, and notify the sender. Thank you.

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**From:** Swack, David

**Sent:** Thursday, September 13, 2018 5:51 PM

**To:** Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Fogarty, Johnpc <Fogarty.Johnpc@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>;

Mckeever, Michele <Mckeever.Michele@epa.gov>; Barnet, Henry <Barnet.Henry@epa.gov>; Mazakas, Pam <Mazakas.Pam@epa.gov>; Leff, Karin <Leff.Karin@epa.gov>; Muller, Marie <MULLER.MARIE@EPA.GOV>; Mackey, Cyndy <Mackey.Cyndy@epa.gov>; DeLeon, Rafael <Deleon.Rafael@epa.gov>; Badalamente, Mark <Badalamente.Mark@epa.gov>  
Cc: Warren, JohnM <Warren.JohnM@epa.gov>; Strickland, Francine <Strickland.Francine@epa.gov>; James, Christina <james.christina@epa.gov>; McCray, Deborah <Mccray.Deborah@epa.gov>; Toy, Nancy <Toy.Nancy@epa.gov>; Alston, Wanda <Alston.Wanda@epa.gov>; Pointer, Shereta <Pointer.Shereta@epa.gov>  
**Subject:** Draft OMB Presentation

All,

Attached is a first cut at our OMB hearing slides. A few points I would offer:

- - 
  - 
  - 
  -
- # Deliberative Process / Ex. 5

Thanks for your review. If we could get everyone's thoughts by COB tomorrow (Friday), we can have a new version around on Monday. Thanks in advance for your thoughts.

David

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UNDER EXEMPTION 5, DELIBERATIVE PROCESS

Message

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**From:** Hull, George [Hull.George@epa.gov]  
**Sent:** 5/2/2018 1:46:20 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]  
**CC:** Senn, John [Senn.John@epa.gov]  
**Subject:** New Owner Audit Policy Roll Out  
**Attachments:** New Owner Audit Roll Out Plan.docx

Susan, Patrick and Larry,

Please find attached a draft roll out plan for the New Owner Audit Policy for the Oil and Gas Sector. In the plan I recommend an interview this Friday morning.

**Deliberative Process / Ex. 5**

## **Deliberative Process / Ex. 5**

## Roll Out Plan: Pilot New Owner Audit Program for the Oil and Gas Sector

**Objective:** Effectively communicate to stakeholders and the general public details of the Pilot New Owner Audit Program for the Oil and Gas Sector, including purpose and process of developing the program.

**Background:** The EPA is in the process of developing a New Owner Clean Air Act Audit Program tailored for the Oil and Gas Sector. This program will be in addition to the already successful 2008 New Owner Audit Policy, and will provide additional flexibilities to the oil and gas sector based on the Agency's analysis of the unique operations in that sector. We view this as an opportunity for timely and cost-effective Clean Air Act compliance. The program initially will be made available to upstream exploration and production sites where EPA and states have seen significant noncompliance. We believe offering additional flexibilities under a specific and tailored new owner audit program will make it easier for the regulated community to self-disclose and promptly correct violations, thereby providing additional protection for public health and the environment. A key component of the program will be a requirement that companies assess tank battery vapor control system design as part of the audit process.



**Stakeholders:** While primarily of interest to the oil and gas industry, other industrial sectors may be interested in whether this model could be replicated. State regulators will also be interested. Environmental and public interest groups may criticize the concept as too lenient.

**Roll Out Recommendation:** Deliberative Process / Ex. 5

**Deliberative Process / Ex. 5**

# **Deliberative Process / Ex. 5**

Message

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**From:** Porter, Amy [Porter.Amy@epa.gov]  
**Sent:** 5/7/2018 10:04:00 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**CC:** Traylor, Patrick [traylor.patrick@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Hull, George [Hull.George@epa.gov]; Senn, John [Senn.John@epa.gov]; Milton, Philip [Milton.Philip@epa.gov]; Jonesi, Gary [Jonesi.Gary@epa.gov]  
**Subject:** Audit Refresh - proposed revisions  
**Attachments:** Refresh Announcement for Disclosures 5-7-18 clean.docx; Refresh Announcement for Disclosures 5-7-18 redline.docx

Susan –

**Deliberative Process / Ex. 5**



# Deliberative Process / Ex. 5

Please let me know if you would like to discuss.

Thank you,  
Amy

Amy Porter, Director  
Crosscutting Policy Staff  
Office of Civil Enforcement  
US Environmental Protection Agency  
202-564-2431

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UNDER EXEMPTION 5, DELIBERATIVE PROCESS

Message

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**From:** Beach, Christopher [beach.christopher@epa.gov]  
**Sent:** 11/1/2018 7:26:49 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**CC:** Traylor, Patrick [traylor.patrick@epa.gov]  
**Subject:** FW: OECA All-Hands  
**Attachments:** CEEC Remarks 9-13-18 UPDATED.docx

Hi Susan, I have a few questions about the OECA All-Hands meeting next week. How long would you like AAW to speak? And is there anything in particular he should focus on regarding enforcement or other topics? Attached is his most recent major speech on enforcement issues (not counting his remarks to the SAC and ASAC). Are these topics too repetitive for OECA staff? Let me know what you think would be best.

Thanks!  
Chris

**From:** Loving, Shanita  
**Sent:** Wednesday, October 3, 2018 10:34 AM  
**To:** Dickerson, Aaron <dickerson.aaron@epa.gov>  
**Cc:** Bailey, Ethel <Bailey.Ethel@epa.gov>; Shiffman, Cari <Shiffman.Cari@epa.gov>  
**Subject:** MEETING/ROOM REQUEST: OECA All Hands Meeting

Good morning Aaron,

Susan would like to schedule an "OECA All Hands Meeting" and invite AA Wheeler to talk briefly about enforcement. We would also like to reserve the Green Room or Map Room to accommodate space for ALL OECA. Susan was looking to have this meeting within the next month if possible.

**Subject:** OECA All Hands Meeting  
**Date:** Within the next month  
**Time:** 1 hour (10 or 15 minutes remarks from AA Wheeler)  
**Room Request:** Green Room or Map Room

Thanks,

Shanita Loving  
Program Specialist  
Environmental Protection Agency  
IO of the Assist. Administrator of the Office of Enforcement & Compliance Assurance  
1200 Pennsylvania Ave., NW  
WJC-South, Room 3204  
Washington, DC 20460  
Phone: (202) 564-4728

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**Hayly Humphreys**  
Office of the Administrator  
U.S. EPA

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**From:** Beach, Christopher

**Sent:** Thursday, November 1, 2018 12:35 PM

**To:** Humphreys, Hayly <[humphreys.hayly@epa.gov](mailto:humphreys.hayly@epa.gov)>; Eby, Natasha <[eby.natasha@epa.gov](mailto:eby.natasha@epa.gov)>; Dickerson, Aaron <[dickerson.aaron@epa.gov](mailto:dickerson.aaron@epa.gov)>

**Subject:** OECA All-Hands

Could you all send me info on the OECA all-hands event next week? I don't think I've seen anything on it yet, so I'll need to reach out to OECA and see what they want him to focus on.

Thanks!

Chris

## CEEC Membership Meeting Remarks September 13, 2018

- Thank you, Steve, for the kind introduction.
- It's great to be with you all today.
- I attended these meetings back when I was working on the Senate Committee on Environment and Public Works. Little did I know that I would be here speaking on behalf of EPA one day.
- So make sure you attend these meetings because you too could be running EPA someday. How's that for a plug?
- When President Trump called me and asked me to take the lead at EPA, he asked me to focus on three things:
  1. Clean up the air
  2. Clean up the water
  3. Provide regulatory relief to create jobs and keep the economy booming.
- Many of the President's critics claim that these goals are a contradiction in terms – that it's not possible to clean up the environment and grow the economy at the same time.
- But they are wrong. The truth is that America has made tremendous environmental progress since the 1970s while simultaneously growing the economy.
  - Let me give you one stat to remember: From 1970 to 2017, total emissions of the six criteria air pollutants established under the Clean Air Act have dropped **73 percent**, while the economy grew over **260 percent**.
- This is a remarkable accomplishment that few Americans are familiar with. It deserves more recognition. A 73 percent reduction in any other social ill – crime, disease, or drug addiction – would lead the evening news.
- How did we accomplish this? Through private sector innovation and cooperation between Washington and the states to implement and enforce the nation's environmental laws.

- However, the previous administration overstepped its authority and upset this balance, particularly with respect to enforcement.
- Under President Trump, we are reversing course.
- It's a new era at EPA.
- As the great American philosopher Bob Dylan said, "*The times they are a-changin'.*"

***Transition:*** *At EPA, our goal is efficient and timely compliance conducted in a manner that upholds the law and gives greater certainty to the states and the regulated community.*

To quote my favorite writer, Shakespeare, "*Things done well and with care exempt themselves from fear.*" We want to ensure the U.S. is the gold standard for enforcement and compliance. This will enhance private sector growth and reassure the American public that their communities are safe.

**Here are three actions we are taking to reach this goal:**

### **1. First, a Change in Focus**

- We are changing our focus from **enforcement outputs** to **compliance**.
- To implement this our Office of Enforcement and Compliance Assurance (OECA) is changing its measures so that our Regions will get credit for more than just formal federal enforcement actions.
- As long as there is a return to compliance, we are not picky about what tool is used to get to compliance.
  - For example, we are asking EPA employees to report their work supporting state actions that achieve compliance ***in addition to*** informal assistance that helps facilities identify deficiencies and return to compliance.

- These actions will count the same as a formal enforcement action as long as we get a return to compliance. We will continue to track outputs, but we will use outcomes to manage our program.
- **We also want compliance more quickly.**
- To achieve this goal, EPA inspectors are now expected to get 75 percent of inspection reports back to a facility within 60 days. Inspectors are also instructed to identify deficiencies and to encourage immediate correction, if possible.
- We are asking the Department of Justice to move our referred cases more quickly, with a goal of reaching a settlement within two and a half years.
- Finally, we are expanding our Expedited Settlement Agreements to resolve small cases quickly.
- Of course, the fastest way for a facility to return to compliance is to do it themselves. To promote this, EPA is taking the following steps:
  - We are enhancing our already successful online Audit Policy “eDisclosure” program.
  - We are promoting the additional flexibility that is available to new owners who self-disclose violations.
  - And we are providing opportunities to increase compliance through the use of existing self-disclosure policies or tailored self-disclosure programs, like an Oil & Gas Sector Audit Program.
- **Finally, we are focusing enforcement on actual environmental problems, not entire industry sectors.**
- To implement this change, OECA Assistant Administrator Susan Bodine announced on August 21 that EPA is changing our priorities to focus on real environmental problems, like Clean Air Act nonattainment areas and water quality impairments, instead of targeting specific industries.



- Here's one example: EPA has historically identified National Enforcement Initiatives as a way to focus enforcement efforts.
- We have evolved the National Enforcement Initiatives program into National Compliance Initiatives, which better captures our end goal of advancing compliance.

## 2. The second action we are taking is working with states as partners, not opponents.

- In January 2018, we sent guidance to our Regions on how they are to cooperate in enforcement matters with states that have primacy.
- Under this guidance, the regions must be a **true partner** with the states. That means sharing information, technology, and work.
- Let me be clear: this does not mean that EPA will ignore noncompliance. EPA retains enforcement authority and will use it if states lack the authority, capability, or will to take appropriate action to protect public health and the environment.
- The guidance provides more certainty for the states. It emphasizes two important things:
  - **No Surprises.** EPA will not inspect or take enforcement action related to an authorized state program without first talking to the state. Ideally, EPA and the state will have already divided the enforcement workload to use resources most effectively.
  - **Second, a State First Approach.** The interim guidance makes clear that, except for specific situations, EPA will defer to authorized states as the implementer of authorized or delegated environmental programs. Even if EPA has been involved, if a state wants to take the lead on an action, EPA should defer to them. If there is a disagreement between the state and EPA about whether EPA action is appropriate, the dispute needs to be elevated.

### 3. Our third and final action is consistent and timely enforcement.

- During my time in private practice, I learned firsthand the importance of timely enforcement actions.
- Companies must disclose pending enforcement actions in their annual shareholder reports, and when EPA doesn't settle and enforcement actions linger for years, companies must still report them.
- This hurts the competitiveness of U.S. businesses. It also delays actions that may be necessary to prevent harm to the environment.
- I'm not advocating for letting people off the hook or reducing fines. Rather, I'm advocating for making enforcement decisions in a timely and consistent manner.
- Accomplishing this will dramatically improve our relationship with American businesses.
- As part of our effort to ensure timely consistent actions, we are planning to create an **enforcement division** in each Region. This will make the lines of authority over enforcement and compliance assurance actions clear.
- I should also mention that we are **streamlining our permitting processes**.
- Prior to this administration, we were not even tracking **permit decisions**. We didn't know how long the permit process took from start to finish.
- We changed that. We are now tracking the time it takes to issue permits.
- Our goal is to make all permit decisions, up or down, in six months.
- I am not suggesting that we approve all permits within a set amount of time. I am suggesting that we make a decision, yes or no, within a set amount of time.
- This will give the regulated community the certainty they deserve.

**Close:**

- Congress has given EPA specific tools with which to protect human health and the environment. These powers are broad. But they are not endless. And while EPA will vigorously administer our environmental laws, we will not transgress the bounds of the authority Congress has given us.
- This goes for our regulatory actions as well.
- Let me give you just a few quick highlights:
  - First, our most recent announcement: The Clean Power Plan is gone, and the **Affordable Clean Energy rule** is here to take its place.
    - The CPP exceeded the Agency's legal authority, which is why 27 states challenged it. Thankfully, the Supreme Court intervened and issued a historic stay.
    - CPP's overreach would have driven up energy prices for consumers and businesses alike. One analysis projected double-digit electricity price increases in 40 states.
    - Unlike the CPP, the **Affordable Clean Energy rule** respects the rule of law and operates within the four corners of the Clean Air Act.
    - ACE would allow the states to establish standards of performance that meet EPA's emissions guidelines.
    - This will give states and the private sector the **regulatory certainty** they need to invest in new technologies and provide affordable and reliable energy for all Americans
  - We are also in the process of finalizing our new proposed **"Waters of the U.S." definition**.
    - The previous administration's 2015 rule wasn't about water quality. It was about power.
    - Power in the hands of the federal government; power over you.

- Our proposal will restore the rule of law and end years of uncertainty over where federal jurisdiction begins and ends.
  - Our definition will be clear and straightforward.
  - I expect a landowner will be able to understand whether a project on his or her property will require a federal permit or not, without spending tens of thousands of dollars on engineering and legal professionals.
  - We intend to publish the new definition for public comment as soon as OMB review is complete — hopefully in the next 60 days.
- As you can see, it's an exciting and consequential time at EPA.
  - We want to make sure that environmental progress continues, and we appreciate your support and assistance in those efforts.
  - Thank you for your time and I'd be happy to take your questions on enforcement issues or some of our recent regulatory actions.

Message

---

**From:** Chapman, Apple [Chapman.Apple@epa.gov]  
**Sent:** 5/3/2018 11:03:51 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]  
**CC:** Porter, Amy [Porter.Amy@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Williams, Christopher [Williams.Christopher@epa.gov]; Fried, Gregory [Fried.Gregory@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]  
**Subject:** Revised Oil and Natural Gas New Owner Audit Program Agreement  
**Attachments:** OG New Owner Program - Audit Agreement - Draft\_Annotated Redline\_05.03.2018.docx; OG New Owner Program - Audit Agreement - Draft\_Clean\_05.03.2018.docx

Attached is a clean revised version of the draft "Oil and Natural Gas Exploration and Production Facilities New Owner Audit Program Agreement."

The draft includes the following revisions per the discussion this morning:

1.  
2.  
3.  
4.  
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7.  
8.  
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10  
11  
12

## Deliberative Process / Ex. 5

For your reference, I am also attaching the annotated red line version.

If you have additional suggested edits, please let us know.

Thank you,  
Apple

**Ms. Apple Chapman** | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) **Ex. 6** (mobile) |

DOCUMENT ED\_002311\_00000241 HAS BEEN WITHHELD IN FULL  
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PRIVILEGE AND EXEMPTION 7(a), LAW ENFORCEMENT PURPOSE

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UNDER EXEMPTION 5, DELIBERATIVE PROCESS, ATTORNEY CLIENT  
PRIVILEGE AND EXEMPTION 7(a), LAW ENFORCEMENT PURPOSE

Message

---

**From:** Traylor, Patrick [traylor.patrick@epa.gov]  
**Sent:** 7/18/2018 9:53:12 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**Subject:** O&G New Owner Audit Program - Bill's request for a briefing

Because API copied Bill Wehrum on their comments on our new owner audit program, Bill has asked OAQPS staff for a briefing on our enforcement work in the O&G sector (to be described differently soon).

## Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I thought we could invite him over to OECA for a briefing.

What do you think?

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

**Ex. 6**

(cell)



Message

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**From:** Traylor, Patrick [traylor.patrick@epa.gov]  
**Sent:** 6/11/2018 7:07:38 PM  
**To:** Fried, Gregory [Fried.Gregory@epa.gov]; Gilrein, Stephen [gilrein.stephen@epa.gov]; Thompson, Steve [thompson.steve@epa.gov]; Williams, Christopher [Williams.Christopher@epa.gov]; Hoyt, Daniel [Hoyt.Daniel@epa.gov]  
**CC:** Idsal, Anne [idsal.anne@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; Seager, Cheryl [Seager.Cheryl@epa.gov]  
**Subject:** RE: TCEQ Meeting Next Steps  
**Attachments:** Draft Oil and Gas Design Audit Checklist (June 11, 2018).docx

All:

I wanted to follow up with the group that met with TCEQ in April and others as an update.

Ramiro Garcia and I chatted by phone today about O&G enforcement in the Enforcement Investigatory / Ex. 7(s) I've set out in red below an update to each of the follow-up items from the April meeting.

Patrick

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  
Ex. 6 (cell)

---

**From:** Traylor, Patrick  
**Sent:** Tuesday, April 24, 2018 12:40 PM  
**To:** Greg Fried (Fried.Gregory@epa.gov) <Fried.Gregory@epa.gov>; gilrein.stephen@epa.gov; Thompson, Steve <thompson.steve@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>; Hoyt, Daniel <Hoyt.Daniel@epa.gov>  
**Subject:** TCEQ Meeting Next Steps

Gentlemen:

Thanks so much for your time and participation for the TCEQ meeting last week. Here's what I marked down as our next steps.

1.

2.

# Deliberative Process / Ex. 5

3.

4.

# Deliberative Process / Ex. 5

5.

Aside from Item 5, does this match your notes and recollection?

Best,  
Patrick

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

**Ex. 6**

(cell)

Message

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**From:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Sent:** 3/22/2018 4:45:03 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**Subject:** audit policy

Susan,

In advance of your meeting with the Administrator, I thought you might want to see that the idea of a sector-based audit pilot is being positively received.

Larry

---

**From:** Chapman, Apple  
**Sent:** Tuesday, March 20, 2018 5:47 PM  
**To:** Traylor, Patrick <traylor.patrick@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>  
**Subject:** Fwd: Oil, Gas Firms Could Avoid EPA Penalties by Admitting Violations

Begin forwarded message:

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**From:** Casso, Ruben  
**Sent:** Tuesday, March 20, 2018 1:01 PM  
**To:** Lawrence, Rob <Lawrence.Rob@epa.gov>  
**Subject:** Oil, Gas Firms Could Avoid EPA Penalties by Admitting Violations

**Oil, Gas Firms Could Avoid EPA Penalties by Admitting Violations**

Posted: Mar 20, 2018, 12:58 PM EDT

*By Amena H. Saiyid*

Oil and gas producers that choose to report past environmental violations at drilling sites, and related assets that they acquire, may dodge penalties under an audit program that the EPA plans to expand. The Environmental Protection Agency would build upon a self-audit program that has been in place since 2008 to foster compliance and reward companies that do make an effort to meet environmental laws, Patrick Traylor, deputy assistant EPA administrator for enforcement and compliance assurance, told the Environmental Council of the States during a March 20 panel discussion on encouraging oil and gas compliance in St. Paul, Minn.

The EPA initiative is a positive step, questions linger the details, Roy Hartstein, vice president for strategic solutions at Southwestern Energy Co., the third largest producer of natural gas in the continental U.S., told Bloomberg Environment. He said he wanted to see “the mechanics of how this program will work.”

The nuts and bolts of how the program would work for the oil and gas sector is an issue that the EPA has just begun to work out, Traylor said, acknowledging that it takes time to write out audit agreements. He assured state officials that the credible threat of enforcement would remain in the background.

Self-auditing is a positive step in an era of shrinking budgets, Dave Glatt, co-chairman of the ECOS shale oil and gas caucus and environmental health chief for the North Dakota Department of Health, said.

“The challenge for the EPA is to apply the audit policy that currently applies to single manufacturing facilities to multiple oil and gas facilities,” Traylor said, adding that the EPA will be looking to states that have self-auditing programs in place.

The agency doesn’t want to measure compliance by how many notices of violations are filed with the Justice Department, Traylor said.

“These are good tracking tools, but not a measure of compliance,” he said.

Message

**From:** Chapman, Apple [Chapman.Apple@epa.gov]  
**Sent:** 4/20/2018 4:31:08 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]  
**CC:** Hull, George [Hull.George@epa.gov]  
**Subject:** FW: New Owner Audit Program - draft for review  
**Attachments:** OG New Owner Program - Audit Agreement - Draft\_Clean\_04.19.2018.docx

Patrick/Susan:

Here is the email I sent to the AEMs yesterday. **Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5** Let me know if you need anything else. Thanks.

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) **Ex. 6** mobile)

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**From:** Chapman, Apple  
**Sent:** Thursday, April 19, 2018 5:14 PM  
**To:** Air Enforcement Managers <Air\_Enforcement\_Managers@epa.gov>; Thompson, Christopher <Thompson.Christopher@epa.gov>  
**Cc:** Tim Sullivan (Sullivan.Tim@epa.gov) <Sullivan.Tim@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>  
**Subject:** New Owner Audit Program - draft for review

# Deliberative Process / Ex. 5

If you can, please provide any significant comments on the attached document by COB, Friday April 27<sup>th</sup>. Please send your comments directly to me, Christopher Williams ([williams.christopher@epa.gov](mailto:williams.christopher@epa.gov)) and Tim Sullivan ([sullivan.tim@epa.gov](mailto:sullivan.tim@epa.gov)).

**Deliberative Process / Ex. 5**

## Deliberative Process / Ex. 5

Please forward this email as appropriate.

Thank you,

*Ms. Apple Chapman* [Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) **Ex. 6** mobile)]

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PRIVILEGE AND EXEMPTION 7(a), LAW ENFORCEMENT PURPOSE

Message

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**From:** Traylor, Patrick [traylor.patrick@epa.gov]  
**Sent:** 3/5/2018 10:43:02 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**Subject:** Audit Talking Points  
**Attachments:** P.Traylor Audit Bullets for Oil and Gas Round Table\_draft 2.23.18 .docx

Prepared for me for the roundtable.

**Patrick Traylor**

Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

**Ex. 6** (cell)

## **Audit Policy Refresh and New Owner Audit Program Bullets for Oil and Gas Round Table**

### **Audit Policy Refresh**

- EPA's self-disclosure policies ([Audit Policy](#), [Small Business Compliance Policy](#), [New Owner Policy](#), and [eDisclosure](#)) encourage regulated entities to voluntarily discover, promptly disclose, expeditiously correct, and prevent violations of environmental requirements, by providing incentives such as penalty mitigation.
- EPA's enforcement program strives to address noncompliance in an efficient and timely manner, applying a broad range of enforcement and compliance tools to achieve the goal of reducing noncompliance (EPA Goal 3 – Objective 1 Compliance with the Law).
- Implementation of the self-disclosure policies is one of these tools to achieve greater compliance.
- While EPA streamlined and modernized its approach in December 2015 to handling disclosures under the [Audit Policy](#) and [Small Business Compliance Policy](#); EPA is reviewing its self-disclosure policies implementation to determine how to better encourage entities to self-disclose and quickly correct noncompliance.
  - Some expected outcomes from our review or 'Refresh' are to:
    - 1) Identify opportunities (like today's conference) to send a clear signal that self-disclosure policies are an important compliance assurance tool that provides incentives for timely and cost effective compliance.
    - 2) Improve self-disclosure policies' outreach/communication materials.
    - 3) Identify opportunities to increase compliance through use of existing self-disclosure policies or tailored programs (e.g., Oil & Gas Sector Audit Program).

### **Oil and Gas Sector Audit Program**

- EPA is in the process of developing a New Owner Clean Air Act Audit Program for the Oil and Gas Sector.
- We view this as an opportunity for cost-effective Clean Air Act compliance.
- This program will be separate from EPA's 2008 New Owner Audit Policy and will be a tailored proposal available only to the oil and gas sector.
- In order to minimize transaction costs, we plan to develop a standard audit program agreement template.
- Currently planning to tailor the program to upstream exploration and production sites where EPA and states have seen significant noncompliance.
- A key component of the program will be an assessment of tank battery vapor control system design.
- We believe offering additional flexibilities under a separate new owner audit program will benefit the regulated community and protect public health and the environment.
- Some areas we are considering tailoring under the program include:
  - (1) expanding the New Owner Policy's penalty mitigation disclosure/audit agreement timeframe;
  - (2) streamlining or eliminating the audit questionnaire; and
  - (3) identifying criteria or conditions in advance where corrective action completions will be greater than 60 days.
- Over the next 2-3 months EPA will be conducting outreach and seeking feedback from industry and other stakeholders as we develop this program.
- We can provide you a list of staff contacts upon request.



Message

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**From:** Traylor, Patrick [traylor.patrick@epa.gov]  
**Sent:** 8/14/2018 1:57:31 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**Subject:** RE: I assume you saw this

## Enforcement/Investigatory / Ex. 7(a)

**Patrick Traylor**

Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  
**Ex. 6** (cell)

---

**From:** Bodine, Susan  
**Sent:** Monday, August 13, 2018 12:11 PM  
**To:** Traylor, Patrick <traylor.patrick@epa.gov>  
**Subject:** I assume you saw this

## Enforcement/Investigatory / Ex. 7(a)

**From:** Traylor, Patrick [traylor.patrick@epa.gov]  
**Sent:** 7/12/2018 6:53:25 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**Subject:** FW: New Owner Audit Program Comments  
**Attachments:** Western Energy Alliance - New Owner Audit Policy 6.28.18.pdf

## Deliberative Process / Ex. 5

**Patrick Traylor**

Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

**Ex. 6** (cell)

---

**From:** Siffring, Stuart [mailto:ssiffring@westernenergyalliance.org]  
**Sent:** Monday, July 2, 2018 12:45 PM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>  
**Cc:** Traylor, Patrick <traylor.patrick@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Kathleen Sgamma <ksgamma@westernenergyalliance.org>  
**Subject:** New Owner Audit Program Comments

Hello,

Thanks for the opportunity to comment on the New Owner Audit Program for Oil and Natural Gas Exploration and Production Facilities. Please see our comments in the attached PDF. Enjoy your upcoming holiday!

-Stuart

Stuart Siffring, PE  
Regulatory Analyst  
Western Energy Alliance  
1775 Sherman St. #2700  
Denver, CO 80202  
[ssiffring@westernenergyalliance.org](mailto:ssiffring@westernenergyalliance.org)

**Ex. 6**



June 28, 2018

Apple Chapman  
Deputy Director, Air Enforcement Division  
Environmental Protection Agency  
1200 Pennsylvania Ave. NW  
Washington, D.C. 20004

Re: New Owner Clean Air Act Audit Program for Oil and Natural Gas Exploration and Production Facilities

Dear Ms. Chapman:

Western Energy Alliance supports EPA's goal of increasing compliance through voluntary company audits of their facilities. Because of the hundreds of thousands of exploration and production (E&P) facilities across the nation, self-reporting by companies can ensure many more facilities are brought into compliance than is possible from relying on EPA's enforcement staff inspections alone. The Alliance appreciates the opportunity to comment on the Oil and Natural Gas Exploration and Production Facilities New Owner Audit Program Agreement.

Western Energy Alliance represents over 300 companies engaged in all aspects of environmentally responsible exploration and production of oil and natural gas in the West. Alliance members are independents, the majority of which are small businesses with an average of fifteen employees.

The point at which a new company takes over existing assets represents an excellent opportunity to ensure a potentially large number of facilities are brought into compliance. The fresh start afforded the acquiring company is advantageous to EPA, state environmental agencies and the acquiring company. Therefore, a new owner audit program should not start from a punitive perspective, but rather one of cooperation. However, the Alliance finds the draft program agreement is too prescriptive and will discourage companies from using it.

The threat of EPA interference in state-implemented voluntary disclosure programs already discourages companies from making voluntary disclosures. As written, the new policy will increase the enforcement uncertainty that these companies will face. To be effective and to encourage companies to voluntarily engage in self audits, which incur considerable costs in terms of staff time, consultant services, and financial resources, companies must be assured that they will not be penalized. EPA should defer to state audit programs and honor state privilege and immunity laws, including those recognized under common law. However, Western Energy Alliance is concerned that rather than follow the example of good state audit programs like the Texas program, the draft policy puts EPA in

the position of interfering in them, the opposite of what we would expect from an Administration with the stated goal of returning to a model of cooperative federalism.

Furthermore, rather than incenting the use of self audits, the policy follows the punitive model from Colorado. The language in Appendix B is taken almost directly from Colorado consent decrees. A company would in effect be opting into enforcement. This indicates that there has been no shift in direction from where EPA was three years ago on this issue. Furthermore, Appendix B is too prescriptive, describing in detail what and how companies are to audit. The policy should be such that companies can self-identify what issues they find in the field and how to apply the best technology and practices to fix them, not just follow one consent decree model.

We believe a new direction is needed with the program, and welcome any opportunity to work with EPA to craft one. EPA should also consider the work the Region 8 Administrator is doing with respect to state immunity and privilege. If the final policy respects the attorney-client privilege, it would encourage companies to participate in self audits, thereby achieving EPA's goal of increasing compliance, a win-win situation.

Sincerely,



Kathleen M. Sgamma  
President

cc: Patrick Traylor, Deputy Assistant Administrator, Office of Enforcement & Compliance  
Doug Benevento, Region 8 Administrator  
Christopher Williams, Chemical Engineer, Office of Civil Enforcement  
Tim Sullivan, Region 8 Enforcement Attorney

Message

---

**From:** Traylor, Patrick [traylor.patrick@epa.gov]  
**Sent:** 4/30/2018 9:35:42 PM  
**To:** Chapman, Apple [Chapman.Apple@epa.gov]  
**CC:** Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Kenney, James [Kenney.James@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]  
**Subject:** RE: New Owner Audit Program  
**Attachments:** Comments on Draft O&G New Owner Audit Agreement (April 30, 2018).docx

Thanks for this very good work. I'm attaching my comments/questions for discussion later this week with Susan.

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

**Ex. 6** (cell)

---

**From:** Chapman, Apple  
**Sent:** Friday, April 27, 2018 4:02 PM  
**To:** Bodine, Susan <bodine.susan@epa.gov>  
**Cc:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Kenney, James <Kenney.James@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>  
**Subject:** New Owner Audit Program

Susan,

I wanted to update you on where we are with the New Owner Audit Program for the oil and gas sector. On

## Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Thank you,  
Apple

*Ms. Apple Chapman* [Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) **Ex. 6** (mobile)]

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Message

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**From:** Chapman, Apple [Chapman.Apple@epa.gov]  
**Sent:** 3/20/2018 7:50:09 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]  
**CC:** Hull, George [Hull.George@epa.gov]; Senn, John [Senn.John@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]  
**Subject:** Re: Inquiry from Bloomberg on

Patrick

## Deliberative Process / Ex. 5

Let me know if you need anything else.

Sent from my iPhone

On Mar 20, 2018, at 3:27 PM, Traylor, Patrick <traylor.patrick@epa.gov> wrote:

Proposed edits in red below, not redlined.

Apple, do these work?

Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

**Patrick Traylor**

Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

**Ex. 6** (cell)

---

**From:** Hull, George  
**Sent:** Tuesday, March 20, 2018 1:55 PM  
**To:** Traylor, Patrick <traylor.patrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>  
**Cc:** Senn, John <Senn.John@epa.gov>  
**Subject:** Inquiry from Bloomberg on

Susan, Larry and Patrick,

## Deliberative Process / Ex. 5

Thanks, George

**Reporter's Questions:**

I want to know how this owner audit policy will be tweaked to accommodate the oil and gas producers. Who uses this policy right now and will this just apply to owners of new oil and gas assets or existing ones?

Is this initiative part of the agency's overall push to streamline operations that have been spearheaded by Mr. Darwin?

Also, what do companies get in return for self auditing? According to the epa audit page, it says absolution from penalties.

**Draft Response:**

# Deliberative Process / Ex. 5

---

**From:** Traylor, Patrick

**Sent:** Tuesday, March 20, 2018 11:17 AM

**To:** Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>

**Cc:** Starfield, Lawrence <[Starfield.Lawrence@epa.gov](mailto:Starfield.Lawrence@epa.gov)>

**Subject:** Re: Follow up questions based on Mr. Traylor's presentation this morning on EPA's new compliance initiative

# Deliberative Process / Ex. 5

**Patrick Traylor**

Deputy Assistant Administrator



Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

**Ex. 6** (cell)

On Mar 20, 2018, at 10:13 AM, Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)> wrote:

Hi Patrick,

I can work on getting draft answers to Amena Saiyid's questions. Is there a particular attorney/manager who I should work with here in Headquarters? - George

---

**From:** Saiyid, Amena [<mailto:asaiyid@bloombergenvironment.com>]

**Sent:** Tuesday, March 20, 2018 10:06 AM

**To:** Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>; Traylor, Patrick <[traylor.patrick@epa.gov](mailto:traylor.patrick@epa.gov)>

**Subject:** Follow up questions based on Mr. Traylor's presentation this morning on EPA's new compliance initiative

**Importance:** High

Good Morning George,

Per Mr. Traylor's instructions I am sending you my questions regarding the initiative he spoke about a few minutes ago. I want to know how this owner audit policy will be tweaked to accommodate the oil and gas producers. Who uses this policy right now and will this just apply to owners of new oil and gas assets or existing ones.

Is this initiative part of the agency's overall push to streamline operations that have been spearheaded by Mr. Darwin?

Appreciate any insight you can share as soon as possible, as I am smack on deadline.

Sincerely,

Amena

\*\*\*\*\*

Amena H. Saiyid  
Water Reporter

Bloomberg Environment

D:

C:

**Ex. 6**

[asaiyid@bloombergenvironment.com](mailto:asaiyid@bloombergenvironment.com)

Message

---

**From:** Chapman, Apple [Chapman.Apple@epa.gov]  
**Sent:** 4/27/2018 8:02:23 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**CC:** Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Kenney, James [Kenney.James@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]  
**Subject:** New Owner Audit Program  
**Attachments:** OG New Owner Program - Audit Agreement - Draft\_Annotated\_04.19.2018.docx

Susan,

I wanted to update you on where we are with the New Owner Audit Program for the oil and gas sector. On

## Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Thank you,  
Apple

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) **Personal Matters / Ex. 6** (mobile) |

DOCUMENT ED\_002311\_00000339 HAS BEEN WITHHELD IN FULL  
UNDER EXEMPTION 5, DELIBERATIVE PROCESS, ATTORNEY CLIENT  
PRIVILEGE AND EXEMPTION 7(a), LAW ENFORCEMENT PURPOSE

Message

---

**From:** Chapman, Apple [Chapman.Apple@epa.gov]  
**Sent:** 5/4/2018 12:29:54 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]  
**CC:** Porter, Amy [Porter.Amy@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Williams, Christopher [Williams.Christopher@epa.gov]; Fried, Gregory [Fried.Gregory@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]  
**Subject:** RE: Revised Oil and Natural Gas New Owner Audit Program Agreement  
**Attachments:** OG New Owner Program - Audit Agreement - Draft\_Clean\_05.04.2018.docx

See attached.

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** (mobile) |

---

**From:** Traylor, Patrick  
**Sent:** Friday, May 04, 2018 8:23 AM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>  
**Cc:** Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>  
**Subject:** RE: Revised Oil and Natural Gas New Owner Audit Program Agreement

Thanks for this

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  
**Ex. 6** (cell)

---

**From:** Chapman, Apple  
**Sent:** Thursday, May 3, 2018 7:04 PM  
**To:** Traylor, Patrick <traylor.patrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>  
**Cc:** Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher

<Williams.Christopher@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>

**Subject:** Revised Oil and Natural Gas New Owner Audit Program Agreement

Attached is a clean revised version of the draft "Oil and Natural Gas Exploration and Production Facilities New Owner Audit Program Agreement."

The draft includes the following revisions per the discussion this morning:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

## Deliberative Process / Ex. 5

For your reference, I am also attaching the annotated red line version.

If you have additional suggested edits, please let us know.

Thank you,  
Apple

**Ms. Apple Chapman** | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** | mobile)

DOCUMENT ED\_002311\_00000341 HAS BEEN WITHHELD IN FULL  
UNDER EXEMPTION 5, DELIBERATIVE PROCESS

Message

---

**From:** Traylor, Patrick [traylor.patrick@epa.gov]  
**Sent:** 6/13/2018 2:33:02 AM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**CC:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Subject:** O&G Audit Program Q&A  
**Attachments:** OG New Owner Program - QsAs - Rev Draft\_06.01.2018.docx

Susan:

AED has anticipated a number of questions we would expect to receive from the press and at the upcoming stakeholder engagement meetings. They've put together the attached Q&A document, which we would plan to post on the O&G audit program webpage as soon as we approve it.

I've reviewed the document and have no revisions to suggest. Would you please let me have your comments/revisions/approval so we can post it?

Patrick

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

**Ex. 6** (cell)

DOCUMENT ED\_002311\_00000358 HAS BEEN WITHHELD IN FULL  
UNDER EXEMPTION 5, DELIBERATIVE PROCESS



Message

---

**From:** Loving, Shanita [Loving.Shanita@epa.gov]  
**Sent:** 5/31/2018 3:16:58 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**Subject:** FW: Meeting

Hi Susan,

Please see email below from Mr. Roger Kelley who would like to meet with you to discuss the proposed New Owner Audit Agreement.

Thanks,

Shanita Loving  
Program Specialist  
Environmental Protection Agency  
IO of the Assist. Administrator of the Office of Enforcement & Compliance Assurance  
1200 Pennsylvania Ave., NW  
WJC-South, Room 3204  
Washington, DC 20460  
Phone: (202) 564-4728

---

**From:** Roger Kelley [mailto:Roger.Kelley@clr.com]  
**Sent:** Thursday, May 31, 2018 11:11 AM  
**To:** Loving, Shanita <Loving.Shanita@epa.gov>  
**Subject:** Meeting

Here is my second try. Sorry for the mix up.

Shanita,

Here is the information that you requested for your consideration for a meeting with Ms. Bodine:

- I am with Continental RESOURCES, Inc. and I also chair the Regulatory Committee for the Domestic Energy Producers' Alliance.
- I will be in town on June 6-7 all day both days so far. I have a House hearing at 2:00 pm on the 6<sup>th</sup>.
- I want to talk to her about the proposed New Owner Audit Agreement. We had submitted a request for an extension for review for this rule and understand that Ryan Jackson had sent that to you for consideration. I also want to visit with her about compliance and interaction with state programs.
- Blu Hulsey, our Sr. VP of Government Relations may also be in attendance.

Just as a way of my introduction, I have been in the oil and gas business for about 37 years with time in exploration and production operations as well as environment and regulatory. I have extensive experience with air compliance issues and have worked with the EPA as well as many state programs on compliance and regulatory program development. Please tell Ms. Bodine that I look forward to meeting with her.

**J Roger Kelley**  
Director of Regulatory Affairs

Continental Resources, Inc.  
20 N. Broadway  
OKC, OK 73102

P/A: Ex. 6

C: Ex. 6

[Roger\\_kelley@clr.com](mailto:Roger_kelley@clr.com)  
[www.clr.com](http://www.clr.com)

Mailing:  
P.O. Box 269000  
OKC, OK 73126



---

NOTICE: This message contains confidential information and is intended for the individual named. If you are not the named addressee, you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by reply e-mail if you have received this e-mail by mistake and delete this e-mail from your system. E-mail transmission cannot be guaranteed to be secure or error-free as information could be intercepted, corrupted, lost, destroyed, arrive late or incomplete, or contain viruses. The sender therefore does not accept liability for any errors or omissions in the contents of this message which arise as a result of e-mail transmission.

**From:** Benevento, Douglas [benevento.douglas@epa.gov]  
**Sent:** 5/3/2018 2:59:24 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**CC:** Wagner, Kenneth [wagner.kenneth@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]  
**Subject:** RE: New Owner Audit Program

## Deliberative Process / Ex. 5

**From:** Bodine, Susan  
**Sent:** Thursday, May 3, 2018 8:54 AM  
**To:** Benevento, Douglas <benevento.douglas@epa.gov>  
**Cc:** Wagner, Kenneth <wagner.kenneth@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>  
**Subject:** FW: New Owner Audit Program

Doug,

I want to make you aware of the "new owner" audit program we are developing for the oil and gas sector.

## Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

There are no penalties.

## Deliberative Process / Ex. 5

Susan

**From:** Chapman, Apple  
**Sent:** Friday, April 27, 2018 4:02 PM  
**To:** Bodine, Susan <bodine.susan@epa.gov>  
**Cc:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Kenney, James <Kenney.James@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>  
**Subject:** New Owner Audit Program

Susan,

I wanted to update you on where we are with the New Owner Audit Program for the oil and gas sector. On

## Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Thank you,  
Apple

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** | (mobile) |

Message

**From:** Bodine, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]  
**Sent:** 5/3/2018 2:36:58 AM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]  
**CC:** Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Kenney, James [Kenney.James@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]  
**Subject:** RE: New Owner Audit Program  
**Attachments:** OG New Owner Program - Audit Agreement - Draft\_Annotated\_04.19.2018.docx spb edits.docx

## Deliberative Process / Ex. 5

**From:** Traylor, Patrick  
**Sent:** Monday, April 30, 2018 5:36 PM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>  
**Cc:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Kenney, James <Kenney.James@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>  
**Subject:** RE: New Owner Audit Program

Thanks for this very good work. I'm attaching my comments/questions for discussion later this week with Susan.

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  
Ex. 6 (cell)

**From:** Chapman, Apple  
**Sent:** Friday, April 27, 2018 4:02 PM  
**To:** Bodine, Susan <bodine.susan@epa.gov>  
**Cc:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Kenney, James <Kenney.James@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>  
**Subject:** New Owner Audit Program

Susan,

I wanted to update you on where we are with the New Owner Audit Program for the oil and gas sector. On

## Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Thank you,  
Apple

**Ms. Apple Chapman** | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** | mobile) |

DOCUMENT ED\_002311\_00000371 HAS BEEN WITHHELD IN FULL  
UNDER EXEMPTION 5, DELIBERATIVE PROCESS AND EXEMPTION 7(a),  
LAW ENFORCEMENT PURPOSE

Message

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**From:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Sent:** 12/5/2018 4:37:54 PM  
**To:** Mckeever, Michele [Mckeever.Michele@epa.gov]; Dombrowski, John [Dombrowski.John@epa.gov]  
**CC:** Palmer, Daniel [Palmer.Daniel@epa.gov]; Knopes, Christopher [Knopes.Christopher@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]  
**Subject:** RE: OECA's draft sections to EPA's FY18 Annual Performance Report  
**Attachments:** FY 2018 draft APR ALL 11 26 18 DSP SPB LS edits.docx

Michele,

You guys are fast! If it's not too late, I had a few additional comments. Please take a look, and include, if possible.

Thanks.

Larry

---

**From:** Mckeever, Michele  
**Sent:** Tuesday, December 04, 2018 11:48 AM  
**To:** Bodine, Susan <bodine.susan@epa.gov>; Dombrowski, John <Dombrowski.John@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>  
**Cc:** Palmer, Daniel <Palmer.Daniel@epa.gov>; Knopes, Christopher <Knopes.Christopher@epa.gov>  
**Subject:** RE: OECA's draft sections to EPA's FY18 Annual Performance Report

Thanks for the quick review.

**Deliberative Process / Ex. 5**

## Deliberative Process / Ex. 5

Michele McKeever  
Branch Chief, National Planning and Measures Branch  
Office of Enforcement and Compliance Assurance  
1200 Pennsylvania Ave., NW, Washington, DC 20460  
202-564-3688

---

**From:** Bodine, Susan  
**Sent:** Monday, December 03, 2018 4:55 PM  
**To:** Dombrowski, John <Dombrowski.John@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>  
**Cc:** Palmer, Daniel <Palmer.Daniel@epa.gov>; Mckeever, Michele <Mckeever.Michele@epa.gov>; Knopes, Christopher <Knopes.Christopher@epa.gov>  
**Subject:** RE: OECA's draft sections to EPA's FY18 Annual Performance Report

I had a few comments in the attached (Author).

Susan

---

**From:** Dombrowski, John  
**Sent:** Monday, December 3, 2018 3:58 PM  
**To:** Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>  
**Cc:** Palmer, Daniel <Palmer.Daniel@epa.gov>; Mckeever, Michele <Mckeever.Michele@epa.gov>; Knopes, Christopher <Knopes.Christopher@epa.gov>  
**Subject:** OECA's draft sections to EPA's FY18 Annual Performance Report



# Deliberative Process / Ex. 5

Please let us know if you have any questions, comments, or if you would like to discuss further.

## Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

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John Dombrowski, P.E.

Deputy Director

Office of Compliance

Office of Enforcement and Compliance Assurance, U.S. EPA

WJC South, Room 5140A (within 5142 bay area)

202-566-0742 (Office)

**Ex. 6**

(Cell)

DOCUMENT ED\_002311\_00000378 HAS BEEN WITHHELD IN FULL  
UNDER EXEMPTION 5, DELIBERATIVE PROCESS

Message

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**From:** Bodine, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]  
**Sent:** 3/22/2018 12:44:59 AM  
**To:** Starfield, Lawrence [Starfield.Lawrence@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]; Badalamente, Mark [Badalamente.Mark@epa.gov]; Swack, David [Swack.David@epa.gov]  
**Subject:** Text  
**Attachments:** BILLS-115SAHR1625-RCP115-66.pdf; ATT00001.htm

Message

**From:** Bodine, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]  
**Sent:** 5/4/2018 1:01:42 PM  
**To:** Chapman, Apple [Chapman.Apple@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]  
**CC:** Porter, Amy [Porter.Amy@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Williams, Christopher [Williams.Christopher@epa.gov]; Fried, Gregory [Fried.Gregory@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]  
**Subject:** RE: Revised Oil and Natural Gas New Owner Audit Program Agreement

Thanks.

Looks good.

---

**From:** Chapman, Apple  
**Sent:** Friday, May 4, 2018 8:30 AM  
**To:** Traylor, Patrick <traylor.patrick@epa.gov>  
**Cc:** Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>  
**Subject:** RE: Revised Oil and Natural Gas New Owner Audit Program Agreement

See attached.

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** (mobile) |

---

**From:** Traylor, Patrick  
**Sent:** Friday, May 04, 2018 8:23 AM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>  
**Cc:** Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>  
**Subject:** RE: Revised Oil and Natural Gas New Owner Audit Program Agreement

Thanks for this. **Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

**Patrick Traylor**

Deputy Assistant Administrator

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

(202) 564-5238 (office)

**Ex. 6** (cell)

---

**From:** Chapman, Apple

**Sent:** Thursday, May 3, 2018 7:04 PM

**To:** Traylor, Patrick <traylor.patrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>

**Cc:** Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Theis, Joseph

<Theis.Joseph@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher

<Williams.Christopher@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>

**Subject:** Revised Oil and Natural Gas New Owner Audit Program Agreement

Attached is a clean revised version of the draft "Oil and Natural Gas Exploration and Production Facilities New Owner Audit Program Agreement."

The draft includes the following revisions per the discussion this morning:

- 1.
- 2.
- 3.
- 4.
- 5.
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- 11.
- 12.

**Deliberative Process / Ex. 5**

For your reference, I am also attaching the annotated red line version.

If you have additional suggested edits, please let us know.

Thank you,  
Apple

**Ms. Apple Chapman** | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** mobile) |

Message

**From:** Bodine, Susan [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C2CC6086FCC44C3BE6B5D32B262D983-BODINE, SUS]  
**Sent:** 5/3/2018 2:54:01 PM  
**To:** Benevento, Douglas [benevento.douglas@epa.gov]  
**CC:** Kenneth Wagner (wagner.kenneth@epa.gov) [wagner.kenneth@epa.gov]; Patrick Traylor (traylor.patrick@epa.gov) [traylor.patrick@epa.gov]  
**Subject:** FW: New Owner Audit Program  
**Attachments:** OG New Owner Program - Audit Agreement - Draft\_Annotated\_04.19.2018.docx spb edits.docx

Doug,

I want to make you aware of the "new owner" audit program we are developing for the oil and gas sector.

## Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

There are no penalties.

## Deliberative Process / Ex. 5

Susan

**From:** Chapman, Apple  
**Sent:** Friday, April 27, 2018 4:02 PM  
**To:** Bodine, Susan <bodine.susan@epa.gov>  
**Cc:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Kenney, James <Kenney.James@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>  
**Subject:** New Owner Audit Program

Susan,

I wanted to update you on where we are with the New Owner Audit Program for the oil and gas sector. On

## Deliberative Process / Ex. 5

Thank you,  
Apple

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency

1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** | mobile) |



Message

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**From:** Traylor, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6D06C6B766C4B4B8BFD6B0FEA4B998-TRAYLOR, PA]  
**Sent:** 7/12/2018 6:53:25 PM  
**To:** Susan Bodine (bodine.susan@epa.gov) [bodine.susan@epa.gov]  
**Subject:** FW: New Owner Audit Program Comments  
**Attachments:** Western Energy Alliance - New Owner Audit Policy 6.28.18.pdf

## Deliberative Process / Ex. 5

**Patrick Traylor**

Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

Ex. 6 ell)

---

**From:** Siffring, Stuart [mailto:ssiffring@westernenergyalliance.org]  
**Sent:** Monday, July 2, 2018 12:45 PM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>  
**Cc:** Traylor, Patrick <traylor.patrick@epa.gov>; Benevento, Douglas <benevento.douglas@epa.gov>; Kathleen Sgamma <ksgamma@westernenergyalliance.org>  
**Subject:** New Owner Audit Program Comments

Hello,

Thanks for the opportunity to comment on the New Owner Audit Program for Oil and Natural Gas Exploration and Production Facilities. Please see our comments in the attached PDF. Enjoy your upcoming holiday!

-Stuart

Stuart Siffring, PE  
Regulatory Analyst  
Western Energy Alliance  
1775 Sherman St. #2700  
Denver, CO 80202  
[ssiffring@westernenergyalliance.org](mailto:ssiffring@westernenergyalliance.org)

Ex. 6

Message

---

**From:** Traylor, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6D06C6B766C4B4B8BFD6B0FEA4B998-TRAYLOR, PA]  
**Sent:** 7/19/2018 5:56:58 PM  
**To:** Matthew Todd [ToddM@api.org]  
**Subject:** RE: API Comments on EPA's New Owner Audit Program for Oil and Gas Production

I look forward to seeing you on August 7. Please continue to coordinate with Apple and Tim on the particulars.

**Patrick Traylor**

Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

**Ex. 6** (cell)

---

**From:** Matthew Todd [mailto:ToddM@api.org]  
**Sent:** Thursday, July 19, 2018 1:35 PM  
**To:** Traylor, Patrick <traylor.patrick@epa.gov>  
**Subject:** RE: API Comments on EPA's New Owner Audit Program for Oil and Gas Production

Patrick,

Thank you for the invitation to arrange a meeting. We have been in contact with Apple Chapman and Tim Sullivan to arrange a follow up discussion that was already in the works. We had identified 2 pm on the 7<sup>th</sup> but I let Tim know that you had reached out as well. We're happy to host here at API.

Thanks

---

**From:** Traylor, Patrick <traylor.patrick@epa.gov>  
**Sent:** Wednesday, July 18, 2018 3:28 PM  
**To:** Matthew Todd <ToddM@api.org>  
**Subject:** RE: API Comments on EPA's New Owner Audit Program for Oil and Gas Production

Matt:

Thank you for the comments from API on our draft new owner audit program. I think that it would be worthwhile to get together with you and the relevant API stakeholders in early August to discuss them. Perhaps it would be most convenient for me and several of my career staff to meet with you at API's offices.

Warm regards,  
Patrick

**Patrick Traylor**

Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

**Ex. 6** (cell)

---

**From:** Matthew Todd [mailto:ToddM@api.org]  
**Sent:** Monday, July 2, 2018 12:23 PM

**To:** Chapman, Apple <Chapman.Apple@epa.gov>

**Cc:** Bodine, Susan <bodine.susan@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>

**Subject:** API Comments on EPA's New Owner Audit Program for Oil and Gas Production

Dear Ms. Chapman:

API respectfully submits the attached letter in response to the U.S. EPA's request for comments on its proposed changes to the 2000 policy titled "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" for new owners of oil and natural gas exploration and production facilities and, in particular, the Agency's Draft Standard Audit Policy Agreement. API believes that the Audit Policy can be an important tool in furtherance of environmental compliance and hope this feedback will lead to a final program that provides a more flexible approach to eligibility and administration.

Please do not hesitate to contact me with any questions regarding the content of this submittal. We look forward to reviewing the revised draft agreement as discussed during the face-to-face meeting last Thursday, June 28<sup>th</sup>.

Regards,

Matt

Matthew Todd  
API

**Ex. 6**

Message

---

**From:** Chapman, Apple [Chapman.Apple@epa.gov]  
**Sent:** 7/12/2018 5:28:09 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]  
**CC:** Brooks, Phillip [Brooks.Phillip@epa.gov]; Fried, Gregory [Fried.Gregory@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Mia, Marcia [Mia.Marcia@epa.gov]  
**Subject:** O&G New Owner Audit Program - Bill's request for a briefing  
**Attachments:** Copy of Stakeholder Meeting - New Owner Audit Verbal Comments.xlsx

**Flag:** Follow up

Patrick,

Attached is the summary of verbal comments we received from stakeholders on the draft oil and natural gas audit program.

Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

API (Matthew Todd) copied Bill (and you and Susan were also copied) when they submitted their written comments to us on July 2.

Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

Please let me know if you would like to discuss further.

Thanks.

*Ms. Apple Chapman* [Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) Ex. 6 mobile]

Message

---

**From:** Kenney, James [Kenney.James@epa.gov]  
**Sent:** 6/27/2018 7:24:16 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; Fried, Gregory [Fried.Gregory@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]  
**CC:** Hull, George [Hull.George@epa.gov]  
**Subject:** RE: EPA New Owner Audit Program for Oil and Gas

Patrick,

## Deliberative Process / Ex. 5

Thanks,

Jim

Desk/Mobile: **Ex. 6**

---

**From:** Traylor, Patrick  
**Sent:** Wednesday, June 27, 2018 1:07 PM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>  
**Cc:** Hull, George <Hull.George@epa.gov>; Kenney, James <Kenney.James@epa.gov>  
**Subject:** RE: EPA New Owner Audit Program for Oil and Gas

## Deliberative Process / Ex. 5

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  
**Ex. 6** (cell)

---

**From:** Chapman, Apple  
**Sent:** Monday, June 25, 2018 9:47 AM  
**To:** Fried, Gregory <Fried.Gregory@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>  
**Cc:** Hull, George <Hull.George@epa.gov>; Kenney, James <Kenney.James@epa.gov>  
**Subject:** FW: EPA New Owner Audit Program for Oil and Gas

## Deliberative Process / Ex. 5

**From:** Matthew Todd [mailto:ToddM@api.org]

**Sent:** Monday, June 25, 2018 8:28 AM

**To:** Chapman, Apple <Chapman.Apple@epa.gov>

**Cc:** Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>; 'Wayne D'Angelo' <wdangelo@kelleydrye.com>; John Wagner <Wagner@api.org>

**Subject:** EPA New Owner Audit Program for Oil and Gas

Dear Deputy Director Chapman:

I have previously communicated with you about API's plan to engage and provide comment in response to the U.S. Environmental Protection Agency's proposed development of a "New Owner Clean Air Act Audit Program" for new owners of oil and natural gas exploration and production facilities and, specifically, the Agency's Draft Standard Audit Policy Agreement. API believes that the Audit Policy is an important tool in furtherance of environmental compliance and appreciates EPA's interest in adopting a more flexible approach to eligibility and administration.

As noted in my previous email, API appreciates the opportunity to provide constructive feedback on this proposal and plans to participate in the June 28<sup>th</sup> industry stakeholder meeting. We are hopeful that the stakeholder meeting will provide an opportunity to learn more about EPA's proposal. As promised, I am providing some of the more fundamental questions that have been raised during extensive discussions with our members:

1. Under the current Audit Policy, participating companies seeking penalty mitigation identify the regulations with which they will assess their compliance, conduct the compliance audit, and then, if necessary, disclose violations to EPA. Under the new approach proposed by EPA, however, participating companies seeking penalty mitigation may be required to conduct analyses and corrective actions that do not appear to be based on any federal statutory or regulatory requirements, and may be more stringent than is required under federal statutes or regulations.
  - a. Why did EPA decide against basing the model audit elements on existing federal regulatory requirements?
  - b. Why does EPA believe that the analyses and corrective actions outlined in Attachment B should be required to demonstrate compliance and receive penalty mitigation?
  - c. With what regulation/requirement is EPA attempting to measure compliance?
  - d. Is Attachment B intended to help protect companies from future enforcement under the General Duty Clause?
  - e. In what way does Attachment B promote EPA's goal of expanding use of the Audit Policy by new owners of oil and natural gas exploration and production facilities?
2. EPA's proposal states that "a company may choose to enter into a parallel audit agreement with a state that has a state audit policy." While this statement seemingly reflects EPA's commitment to cooperative federalism, we are concerned that it may not sufficiently avoid the imposition of a duplicative federal program in states with their own audit programs.
  - a. Setting aside API's concerns about the specific content of Attachment B, why is EPA proposing to prescribe any model requirements in a state with delegated Clean Air Act authority and an audit program?

- b. Could this aspect of EPA's proposal be simplified and made more consistent with the Agency's approach to cooperative federalism by simply deferring to state audit programs?

Again, API appreciates EPA's interest in expanding use of the Audit Policy for our industry and is hopeful the final program will further our collective goal of expanding its use by new owners of oil and natural gas exploration and production facilities. We're committed to working with the Agency to better understand and improve EPA's proposed approach.

Thank you for the opportunity to submit these questions. In addition to our participation at the June 28<sup>th</sup> stakeholder meeting, API will submit written comments by EPA's deadline of July 2<sup>nd</sup>. Given the number of questions API members continue to have at this stage in the process, however, we respectfully reiterate our request that the Agency consider extending the comment deadline to allow sufficient time following the June 28 meeting. If you have questions or wish to discuss further, please feel free to contact me at [toddm@api.org](mailto:toddm@api.org) or **Ex. 6**

Regards,

Matt

Matthew Todd  
API

**Ex. 6**

Message

---

**From:** Traylor, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6D06C6B766C4B4B8BFDF6B0FEA4B998-TRAYLOR, PA]  
**Sent:** 7/18/2018 9:53:12 PM  
**To:** Susan Bodine (bodine.susan@epa.gov) [bodine.susan@epa.gov]  
**Subject:** O&G New Owner Audit Program - Bill's request for a briefing

Because API copied Bill Wehrum on their comments on our new owner audit program, Bill has asked OAQPS staff for a briefing on our enforcement work in the O&G sector

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

I thought we could invite him over to OECA for a briefing.

What do you think?

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

**Ex. 6**

(cell)



Message

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**From:** Traylor, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6D06C6B766C4B4B8BFDF6B0FEA4B998-TRAYLOR, PA]  
**Sent:** 7/18/2018 7:38:56 PM  
**To:** Phill Brooks (Brooks.Phillip@epa.gov) [Brooks.Phillip@epa.gov]  
**Subject:** FW: API Comments on EPA's New Owner Audit Program for Oil and Gas Production  
**Attachments:** 2018 07 02 API Comments on EPA New Owner Audit Program Final.pdf

Here you go.

**Patrick Traylor**

Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

**Ex. 6** cell)

---

**From:** Matthew Todd [mailto:ToddM@api.org]  
**Sent:** Monday, July 2, 2018 12:23 PM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>  
**Cc:** Bodine, Susan <bodine.susan@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>  
**Subject:** API Comments on EPA's New Owner Audit Program for Oil and Gas Production

Dear Ms. Chapman:

API respectfully submits the attached letter in response to the U.S. EPA's request for comments on its proposed changes to the 2000 policy titled "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" for new owners of oil and natural gas exploration and production facilities and, in particular, the Agency's Draft Standard Audit Policy Agreement. API believes that the Audit Policy can be an important tool in furtherance of environmental compliance and hope this feedback will lead to a final program that provides a more flexible approach to eligibility and administration.

Please do not hesitate to contact me with any questions regarding the content of this submittal. We look forward to reviewing the revised draft agreement as discussed during the face-to-face meeting last Thursday, June 28<sup>th</sup>.

Regards,

Matt

Matthew Todd  
API

**Ex. 6**

Message

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**From:** Brooks, Phillip [Brooks.Phillip@epa.gov]  
**Sent:** 7/18/2018 7:32:04 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]  
**Subject:** RE: API Comments on EPA's New Owner Audit Program for Oil and Gas Production

Thank you. When you have a moment, can you send API's letter commenting on the policy? I suspect Apple has it, but she is out of the country.

---

**From:** Traylor, Patrick  
**Sent:** Wednesday, July 18, 2018 3:29 PM  
**To:** Bodine, Susan <bodine.susan@epa.gov>; Starfield, Lawrence <Starfield.Lawrence@epa.gov>  
**Cc:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>  
**Subject:** FW: API Comments on EPA's New Owner Audit Program for Oil and Gas Production

FYSA

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  

Ex. 6

 (cell)

---

**From:** Traylor, Patrick  
**Sent:** Wednesday, July 18, 2018 3:28 PM  
**To:** 'Matthew Todd' <ToddM@api.org>  
**Subject:** RE: API Comments on EPA's New Owner Audit Program for Oil and Gas Production

Matt:

Thank you for the comments from API on our draft new owner audit program. I think that it would be worthwhile to get together with you and the relevant API stakeholders in early August to discuss them. Perhaps it would be most convenient for me and several of my career staff to meet with you at API's offices.

Warm regards,  
Patrick

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  

Ex. 6

 (cell)

---

**From:** Matthew Todd [mailto:ToddM@api.org]  
**Sent:** Monday, July 2, 2018 12:23 PM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>  
**Cc:** Bodine, Susan <bodine.susan@epa.gov>; Wehrum, Bill <Wehrum.Bill@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher

<Williams.Christopher@epa.gov>

**Subject:** API Comments on EPA's New Owner Audit Program for Oil and Gas Production

Dear Ms. Chapman:

API respectfully submits the attached letter in response to the U.S. EPA's request for comments on its proposed changes to the 2000 policy titled "Incentives for Self-Policing: Discovery, Disclosure, Correction and Prevention of Violations" for new owners of oil and natural gas exploration and production facilities and, in particular, the Agency's Draft Standard Audit Policy Agreement. API believes that the Audit Policy can be an important tool in furtherance of environmental compliance and hope this feedback will lead to a final program that provides a more flexible approach to eligibility and administration.

Please do not hesitate to contact me with any questions regarding the content of this submittal. We look forward to reviewing the revised draft agreement as discussed during the face-to-face meeting last Thursday, June 28<sup>th</sup>.

Regards,

Matt

Matthew Todd  
API

**Ex. 6**

Message

---

**From:** Traylor, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6D06C6B766C4B4B8BFDF6B0FEA4B998-TRAYLOR, PA]  
**Sent:** 5/9/2018 4:44:27 PM  
**To:** Phill Brooks (Brooks.Phillip@epa.gov) [Brooks.Phillip@epa.gov]  
**CC:** Apple Chapman (Chapman.Apple@epa.gov) [Chapman.Apple@epa.gov]  
**Subject:** O&G CAA New Owner Audit Program  
**Attachments:** image2019-05-10-125233.pdf

Phill:

Here are my handwritten talking points I've been using in interviews and meetings on the new program.

Best,  
Patrick

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  

**Ex. 6**

 (cell)

## DBG CAA NEW OWNER AUDIT PROGRAM TALKING POINTS

NATIONAL ENFORCEMENT INITIATIVE FOR ENERGY EXTRACTION IDENTIFIED WIDESPREAD EXCESS EMISSIONS RELATED TO THE DESIGN OF VAPOR CONTROLS AT STORAGE TANKS AT OIL & GAS EXPLORATION AND PRODUCTION FACILITIES.

FORMAL ENFORCEMENT HAS GENERATED A NUMBER OF SETTLEMENTS COVERING OVER A THOUSAND WELL PADS (PDC, SLAWSON, XTO, DEVON, NOBLE).

2008 NEW OWNER AUDIT POLICY — IF QUALIFIES & CORRECTS, EPA CAN WAIVE PENALTIES, AVOID THE ~~CO~~ DELAYS ASSOCIATED W/ FORMAL ENFORCEMENT, GET TO COMPLIANCE, AND PROVIDE REPOSE

A NUMBER OF NEW OWNERS HAVE USED TO 2008 NEW OWNER POLICY. WE HAVE LEARNED THAT THE 2008 POLICY WORKS BEST FOR SINGLE/SEVERAL SITES, BUT HAS SIGNIFICANT INEFFICIENCIES WHEN HUNDREDS OF FAR-FLUNG FACILITIES ARE INVOLVED.

-|-

THESE INEFFICIENCIES RESULTED IN SPENDING A GREAT DEAL OF TIME NEGOTIATING CUSTOMIZED AUDIT AGREEMENTS AND MODIFYING AUDIT TOOLS MEANT FOR A SMALL # OF FACILITIES INTO THOSE THAT WOULD WORK FOR MANY FACILITIES.

THIS INEFFICIENCY AND UNCERTAINTY MADE IT MORE DIFFICULT FOR WOULD-BE AUDITING COMPANIES TO KNOW THAT THEY COULD COME IN, COME INTO COMPLIANCE, AND RESOLVE THEIR RISK OF ENFORCEMENT.

THAT'S A POOR OUTCOME FOR COMPANIES THAT WANT TO CORRECT THEIR PREDECESSORS' NON-COMPLIANCE.

SO WE DECIDED TO IMPROVE OUR PROCESS. THAT'S THIS NEW OWNER AUDIT PROGRAM FOR O&G SECTOR.

BEFORE I GET INTO THE DETAILS, I WANT TO SAY TWO THINGS THAT ARE VERY IMPORTANT

FIRST, THIS NEW PROGRAM DOES NOT ~~SUBSTITUTE FORMAL~~ TAKE THE PLACE OF FORMAL ENFORCEMENT. OECA REGULATORY ENFORCEMENT HAS TWO STRATEGIC GOALS — FOSTER COMPLIANCE AND UNCOVER NON-COMPLIANCE. BOTH ARE ESSENTIAL. AND BOTH HAVE COMPLIANCE AS THE DESIRED OUTCOME SO WE'LL USE THE MOST APPROPRIATE TOOL TO GET TO COMPLIANCE. IF IT CAN BE A NEW OWNER AUDIT, GREAT — THAT'S EASIER FOR EVERYONE. BUT IF IT NEEDS TO BE, FORMAL ENFORCEMENT, WE HAVEN'T BEEN AND WON'T BE SHY ABOUT BRINGING CASES.

#### NEW PROGRAM

SECOND, THIS HAS BEEN LED BY CAREER STAFF FROM THE BEGINNING. THE SAME STAFF WHO ARE ZEALOUS ADVOCATES FOR COMPLIANCE IN FORMAL ENFORCEMENT ARE ALSO THE ONES THAT WILL WORK COOPERATIVELY W/ COMPANIES WHO APPROACH US IN GOOD FAITH TO RESOLVE PAST NON-COMPLIANCE. GREAT STAFF.

## NOW THE DETAILS

- ① WE'VE CRAFTED A STANDARD TEMPLATE AUDIT AGREEMENT.
  - AVOIDS CUSTOM AGREEMENTS
  - THE REGULATED COMMUNITY KNOWS THE ~~DATA~~ BEFORE THEY WALK IN REQUIREMENTS & BENEFITS
- ② CDS HAVE 6 MONTHS AFTER AN ACQUISITION TO COME IN. WE'D EXPECT A QUICK TEMPLATE AGREEMENT SO THE WORK CAN START.
- ③ TRANSITION RULE WILL COVER ACQUISITIONS THAT CLOSED UP TO 12 MONTHS BEFORE WE FINISH THE ~~to~~ NEW PROGRAM.
- ④ FOCUSED ON ASSESSING WHETHER VAPOR CONTROLS ARE DESIGNED PROPERLY → CO CAN AUDIT ANYTHING ELSE ~~UNDERLINE~~ IT WOULD LIKE, BUT NO LESS THAN VAPOR CONTROL DESIGN



⑤ WILL WORK OUT THE TIMING OF THE AUDIT AND CORRECTIVE ACTION DEPENDING ON THE # OF FACILITIES.

⑥ AFTER NON-COMPLIANCE IS CORRECTED, EPA WILL ISSUE A FINAL DETERMINATION THAT RESOLVES THE COMPANY'S LIABILITY. WE WOULD EXPECT THAT THERE WOULD BE NO-PENALTY RESOLUTIONS, NO CULPABILITY-FUL PAST, PRE-ACQUISITION NON-COMPLIANCE.

⑦ TECHNICAL REQUIREMENTS

- MODELING GUIDELINE
- ENGINEER DESIGN STANDARDS
- FIELD SURVEY/ENGINEERING EVALUATION
- VCS MOD/VERIFICATION

FINALLY, THIS IS NOT A TAKE IT OR LEAVE IT PROPOSITION - THE 2000 AND 2008 POLICIES ARE STILL IN PLACE FOR APPROPRIATE SELF-DISCLOSURES, THOUGH IN OGG, THIS NEW PROGRAM IS THE PRESUMPTIVE APPROACH.

- 5 -

Message

**From:** Traylor, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6D06C6B766C4B4B8BFD6B0FEA4B998-TRAYLOR, PA]  
**Sent:** 5/4/2018 1:14:41 PM  
**To:** Chapman, Apple [Chapman.Apple@epa.gov]  
**CC:** Porter, Amy [Porter.Amy@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Williams, Christopher [Williams.Christopher@epa.gov]; Fried, Gregory [Fried.Gregory@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]; Hull, George [Hull.George@epa.gov]  
**Subject:** RE: Revised Oil and Natural Gas New Owner Audit Program Agreement

Excellent; no further comments. I'll work with George today on final web content/press release language.

**Patrick Traylor**

Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)

**Ex. 6** (cell)

**From:** Chapman, Apple  
**Sent:** Friday, May 4, 2018 8:30 AM  
**To:** Traylor, Patrick <traylor.patrick@epa.gov>  
**Cc:** Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>  
**Subject:** RE: Revised Oil and Natural Gas New Owner Audit Program Agreement

See attached.

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** (mobile) |

**From:** Traylor, Patrick  
**Sent:** Friday, May 04, 2018 8:23 AM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>  
**Cc:** Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>  
**Subject:** RE: Revised Oil and Natural Gas New Owner Audit Program Agreement

Thanks for this.

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

**Patrick Traylor**

Deputy Assistant Administrator

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

(202) 564-5238 (office)

**Ex. 6** (cell)

---

**From:** Chapman, Apple

**Sent:** Thursday, May 3, 2018 7:04 PM

**To:** Traylor, Patrick <traylor.patrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>

**Cc:** Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Theis, Joseph

<Theis.Joseph@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher

<Williams.Christopher@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>

**Subject:** Revised Oil and Natural Gas New Owner Audit Program Agreement

Attached is a clean revised version of the draft "Oil and Natural Gas Exploration and Production Facilities New Owner Audit Program Agreement."

The draft includes the following revisions per the discussion this morning:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

# Deliberative Process / Ex. 5

For your reference, I am also attaching the annotated red line version.

If you have additional suggested edits, please let us know.

Thank you,  
Apple

**Ms. Apple Chapman** | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) [Ex. 6] mobile)

**From:** Hull, George [Hull.George@epa.gov]  
**Sent:** 4/20/2018 7:36:35 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**CC:** Traylor, Patrick [traylor.patrick@epa.gov]; Starfield, Lawrence [Starfield.Lawrence@epa.gov]  
**Subject:** E&E News on New Owner Audit Program

FYI – Article from E&E News on New Owner Audit Program for Oil + Gas Sector. – George

## EPA considers expanding self-audit program

Mike Lee, E&E News reporter

Published: Friday, April 20, 2018



An oil and gas well produces on public lands in Utah. Ellen M. Gilmer/E&E News

DALLAS — EPA may expand an existing self-audit program to the oil and gas industry, the agency's enforcement chief said today.

EPA already has a "new owner audit policy" effort that allows buyers of industrial facilities to inspect them and self-report regulatory violations, in exchange for a chance at reducing their penalties.

The agency is working on including the oil and gas industry, which is going through a period of mergers and acquisitions, Susan Bodine, assistant administrator for the Office of Enforcement and Compliance Assurance, said during a panel discussion at the EarthX festival here.

"One of our strategic goals is to have facilities come into compliance more quickly. Having them do it themselves is the quickest way," Bodine said in an interview on the sidelines of the conference.

The agency is using a 2016 agreement with Range Resources Corp. as a template.

Advertisement

Including oil and gas into the self-audit scheme falls in line with Administrator Scott Pruitt's goals of streamlining regulation while boosting domestic energy production.

The policy change is still under consideration, and a final decision hasn't been made, Bodine said, adding that it was difficult to determine when the review process would be complete.

Range, a drilling company based in Fort Worth, bought the drilling rights to 220,000 acres in the Terryville field in Louisiana in September 2016.

Attorneys for the company began assessing whether the property complied with EPA's air emissions regulations under the Clean Air Act. They soon discovered that "noncompliance at its newly-acquired facilities was fairly widespread," according to a case study prepared by Range's attorneys.

The company self-reported problems at 390 facilities to EPA and asked to be considered under the new owner program. EPA ultimately agreed and settled with Range for a "substantial penalty reduction," Bodine said.

It took a substantial amount of the agency's resources to negotiate the deal, Bodine said, so it makes sense to use the case as a model agreement for other companies.

She was asked whether expanding the policy would create an incentive for companies to cut corners on regulatory compliance, since some companies might assume they could sell an oil and gas property and allow the new owner to bring it into compliance.

If that happened, Bodine said, "they would be breaking the law."

Message

**From:** Traylor, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6D06C6B766C4B4B8BFDF6B0FEA4B998-TRAYLOR, PA]  
**Sent:** 4/20/2018 5:49:15 PM  
**To:** Chapman, Apple [Chapman.Apple@epa.gov]  
**Subject:** Re: New Owner Audit Program - draft for review

Great note to AEMs; thanks.

**Patrick Traylor**

Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  
Ex. 6 cell)

On Apr 20, 2018, at 11:31 AM, Chapman, Apple <Chapman.Apple@epa.gov> wrote:

Patrick/Susan:

Here is the email I sent to the AEMs yesterday.

**Deliberative Process / Ex. 5**

**Deliberative Process / Ex. 5**

Let me know if you need anything else. Thanks.

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) Ex. 6 mobile)

---

**From:** Chapman, Apple  
**Sent:** Thursday, April 19, 2018 5:14 PM  
**To:** Air Enforcement Managers <Air\_Enforcement\_Managers@epa.gov>; Thompson, Christopher <Thompson.Christopher@epa.gov>  
**Cc:** Tim Sullivan (Sullivan.Tim@epa.gov) <Sullivan.Tim@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>  
**Subject:** New Owner Audit Program - draft for review

**Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

If you can, please provide any significant comments on the attached document by COB, Friday April 27<sup>th</sup>. Please send your comments directly to me, Christopher Williams ([williams.christopher@epa.gov](mailto:williams.christopher@epa.gov)) and Tim Sullivan ([sullivan.tim@epa.gov](mailto:sullivan.tim@epa.gov)).

## Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

Please forward this email as appropriate.

Thank you,

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** | (mobile) |

<OG New Owner Program - Audit Agreement - Draft\_Clean\_04.19.2018.docx>



## Appointment

---

**From:** Chapman, Apple [Chapman.Apple@epa.gov]

**Sent:** 4/30/2018 4:59:03 PM

**To:** Traylor, Patrick [traylor.patrick@epa.gov]

**Subject:** Accepted: Oil and Gas New Owner Audit Program, Call-in Number: **Ex. 6**, Conference ID: **Ex. 6**

**Location:** 3216 WJC-South

**Start:** 5/3/2018 3:00:00 PM

**End:** 5/3/2018 4:00:00 PM

**Show Time As:** Busy

Message

---

**From:** Chapman, Apple [Chapman.Apple@epa.gov]  
**Sent:** 5/4/2018 12:24:47 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]  
**CC:** Porter, Amy [Porter.Amy@epa.gov]; Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Williams, Christopher [Williams.Christopher@epa.gov]; Fried, Gregory [Fried.Gregory@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Bodine, Susan [bodine.susan@epa.gov]  
**Subject:** RE: Revised Oil and Natural Gas New Owner Audit Program Agreement

Thanks for catching that. I will revise right now and send around a clean draft. I am out of the office today but available by phone until about 3pm.

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** (mobile) |

---

**From:** Traylor, Patrick  
**Sent:** Friday, May 04, 2018 8:23 AM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>  
**Cc:** Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>  
**Subject:** RE: Revised Oil and Natural Gas New Owner Audit Program Agreement

Thanks for this. **Deliberative Process / Ex. 5**

# Deliberative Process / Ex. 5

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  
**Ex. 6** (cell)

---

**From:** Chapman, Apple  
**Sent:** Thursday, May 3, 2018 7:04 PM  
**To:** Traylor, Patrick <traylor.patrick@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>  
**Cc:** Porter, Amy <Porter.Amy@epa.gov>; Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Theis, Joseph <Theis.Joseph@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Williams, Christopher

<Williams.Christopher@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>

**Subject:** Revised Oil and Natural Gas New Owner Audit Program Agreement

Attached is a clean revised version of the draft "Oil and Natural Gas Exploration and Production Facilities New Owner Audit Program Agreement."

The draft includes the following revisions per the discussion this morning:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.
- 12.

## Deliberative Process / Ex. 5

For your reference, I am also attaching the annotated red line version.

If you have additional suggested edits, please let us know.

Thank you,  
Apple

**Ms. Apple Chapman** | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) **Ex. 6** (mobile)

## Appointment

---

**From:** Sullivan, Tim [Sullivan.Tim@epa.gov]  
**Sent:** 4/30/2018 4:50:53 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]  
**CC:** Sullivan, Tim [Sullivan.Tim@epa.gov]

**Subject:** Accepted: Oil and Gas New Owner Audit Program, Call-in Number Ex. 6 Conference ID: Ex. 6  
**Location:** 3216 WJC-South

**Start:** 5/3/2018 3:00:00 PM  
**End:** 5/3/2018 4:00:00 PM  
**Show Time As:** Busy

## Appointment

---

**From:** Williams, Christopher [Williams.Christopher@epa.gov]  
**Sent:** 4/30/2018 4:47:42 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]

**Subject:** Accepted: Oil and Gas New Owner Audit Program, Call-in Number: **Ex. 6** Conference ID: **Ex. 6**  
**Location:** 3216 WJC-South

**Start:** 5/3/2018 3:00:00 PM  
**End:** 5/3/2018 4:00:00 PM  
**Show Time As:** Busy

Message

---

**From:** Chapman, Apple [Chapman.Apple@epa.gov]  
**Sent:** 4/30/2018 1:39:09 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]  
**CC:** Loving, Shanita [Loving.Shanita@epa.gov]  
**Subject:** RE: New Owner Audit Program

Will do.

*Ms. Apple Chapman* [Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** (mobile) |

---

**From:** Traylor, Patrick  
**Sent:** Monday, April 30, 2018 9:34 AM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>  
**Cc:** Loving, Shanita <Loving.Shanita@epa.gov>  
**Subject:** New Owner Audit Program

Apple:

Will you work with Shanita to set up a meeting to discuss the new program? Let's aim for an hour; it may take less.

Patrick

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  
**Ex. 6** (cell)

Message

---

**From:** Traylor, Patrick [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=B6D06C6B766C4B4B8BFDF6B0FEA4B998-TRAYLOR, PA]  
**Sent:** 5/3/2018 7:30:55 PM  
**To:** Chapman, Apple [Chapman.Apple@epa.gov]  
**Subject:** RE: New Owner Audit Program  
**Attachments:** Transferability Provision (May 3, 2018).docx

Here are my edits **Ex. 5** Happy to discuss.

**Patrick Traylor**

Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  
**Ex. 6** (cell)

---

**From:** Chapman, Apple  
**Sent:** Thursday, May 3, 2018 1:18 PM  
**To:** Traylor, Patrick <traylor.patrick@epa.gov>  
**Cc:** Williams, Christopher <Williams.Christopher@epa.gov>  
**Subject:** FW: New Owner Audit Program  
**Importance:** High

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** (mobile) |

---

**From:** Sullivan, Tim  
**Sent:** Wednesday, May 02, 2018 10:57 PM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>  
**Cc:** Sullivan, Tim <Sullivan.Tim@epa.gov>  
**Subject:** New Owner Audit Program  
**Importance:** High

An annotated redline draft that attempts to address the comments we received – except Susan’s since they literally just came in – is attached.

Apple and Chris (and maybe Greg): I will talk to you at 10 am eastern.

Thanks –

---

Timothy J. Sullivan  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1595 Wynkoop Street (MC 8MSU)  
Denver, Colorado 80202

Phone: 303.312.6196 | Email: [sullivan.tim@epa.gov](mailto:sullivan.tim@epa.gov)

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<http://www.epa.gov/compliance/complaints/index.html>

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DOCUMENT ED\_002311\_00002864 HAS BEEN WITHHELD IN FULL  
UNDER EXEMPTION 5, DELIBERATIVE PROCESS AND EXEMPTION 7(a),  
LAW ENFORCEMENT PURPOSE

Message

---

**From:** Chapman, Apple [Chapman.Apple@epa.gov]  
**Sent:** 5/3/2018 5:17:35 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]  
**CC:** Williams, Christopher [Williams.Christopher@epa.gov]  
**Subject:** FW: New Owner Audit Program  
**Attachments:** OG New Owner Program - Audit Agreement - Draft\_Redline\_05.02.2018.docx

**Importance:** High

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** (mobile) |

---

**From:** Sullivan, Tim  
**Sent:** Wednesday, May 02, 2018 10:57 PM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>; Fried, Gregory <Fried.Gregory@epa.gov>; Williams, Christopher <Williams.Christopher@epa.gov>  
**Cc:** Sullivan, Tim <Sullivan.Tim@epa.gov>  
**Subject:** New Owner Audit Program  
**Importance:** High

An annotated redline draft that attempts to address the comments we received – except Susan’s since they literally just came in – is attached.

Apple and Chris (and maybe Greg): I will talk to you at 10 am eastern.

Thanks –

---

Timothy J. Sullivan  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1595 Wynkoop Street (MC 8MSU)  
Denver, Colorado 80202

Phone: 303.312.6196 | Email: [sullivan.tim@epa.gov](mailto:sullivan.tim@epa.gov)

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<http://www.epa.gov/compliance/complaints/index.html>

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DOCUMENT ED\_002311\_00002930 HAS BEEN WITHHELD IN FULL  
UNDER EXEMPTION 5, DELIBERATIVE PROCESS AND EXEMPTION 7(a),  
LAW ENFORCEMENT PURPOSE

Message

---

**From:** Chapman, Apple [Chapman.Apple@epa.gov]  
**Sent:** 5/3/2018 2:54:38 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]  
**Subject:** FW: Draft Roll Out Plan for New Owner Audit Program (Comments)  
**Attachments:** New Owner Audit Roll Out Plan.AC+TJS+PLM.docx

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** (mobile) |

---

**From:** Milton, Philip  
**Sent:** Wednesday, May 02, 2018 3:11 PM  
**To:** Hull, George <Hull.George@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>  
**Cc:** Senn, John <Senn.John@epa.gov>; Kenney, James <Kenney.James@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>  
**Subject:** RE: Draft Roll Out Plan for New Owner Audit Program (Comments)

*Draft – Agency Deliberative Process – Please do not release*

Good Afternoon George –

I want to thank you for being given an opportunity to review this document, so that I may provide comments from an Audit Policy implementation perspective. Please find my comments/edits are attached.

**Deliberative Process / Ex. 5**

## Deliberative Process / Ex. 5

I leave at 3pm, but can be reached on my work number (should bounce to cell) or my cell at **Ex. 6** if you would like to discuss. I will be back in the office no later than 0630 tomorrow.

I have provided both specific edits and some comments. I'd like to explain a couple of my comments that don't have specific edits.

## Deliberative Process / Ex. 5

Very respectfully,

Phil

Philip L. Milton, National Audit Policy Coordinator  
**Chemical Engineer** | U.S. Environmental Protection Agency  
Office of Enforcement & Compliance Assurance | Office of Civil Enforcement | Waste and Chemical Enforcement Division | Chemical Risk and Reporting Enforcement Branch  
1200 Pennsylvania Avenue, NW | Mail Code: 2249A | WJC South Bldg Rm 3124-B | Washington, DC 20460  
[Milton.philip@epa.gov](mailto:Milton.philip@epa.gov) | phone: 202-564-5029 | fax: 202-564-0010

---

**From:** Hull, George  
**Sent:** Wednesday, May 2, 2018 12:19 PM

**To:** Milton, Philip <Milton.Philip@epa.gov>; Chapman, Apple <Chapman.Apple@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>

**Cc:** Senn, John <Senn.John@epa.gov>; Kenney, James <Kenney.James@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>

**Subject:** RE: Draft Roll Out Plan for New Owner Audit Program

## Deliberative Process / Ex. 5

**From:** Milton, Philip

**Sent:** Wednesday, May 02, 2018 12:18 PM

**To:** Chapman, Apple <Chapman.Apple@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Hull, George <Hull.George@epa.gov>

**Cc:** Senn, John <Senn.John@epa.gov>; Kenney, James <Kenney.James@epa.gov>; Porter, Amy <Porter.Amy@epa.gov>; Jonesi, Gary <Jonesi.Gary@epa.gov>

**Subject:** RE: Draft Roll Out Plan for New Owner Audit Program

## Deliberative Process / Ex. 5

Philip L. Milton, National Audit Policy Coordinator

**Chemical Engineer | U.S. Environmental Protection Agency**

Office of Enforcement & Compliance Assurance | Office of Civil Enforcement | Waste and Chemical Enforcement Division | Chemical Risk and Reporting Enforcement Branch

1200 Pennsylvania Avenue, NW | Mail Code: 2249A | WJC South Bldg Rm 3124-B | Washington, DC 20460

Milton.philip@epa.gov | phone: 202-564-5029 | fax: 202-564-0010

**From:** Chapman, Apple

**Sent:** Wednesday, May 2, 2018 10:40 AM

**To:** Sullivan, Tim <Sullivan.Tim@epa.gov>; Hull, George <Hull.George@epa.gov>

**Cc:** Senn, John <Senn.John@epa.gov>; Kenney, James <Kenney.James@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>

**Subject:** RE: Draft Roll Out Plan for New Owner Audit Program

Thank you. Helpful comments.

## Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

**Ms. Apple Chapman** | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** (mobile) |

**From:** Sullivan, Tim

**Sent:** Wednesday, May 02, 2018 10:32 AM

**To:** Chapman, Apple <Chapman.Apple@epa.gov>; Hull, George <Hull.George@epa.gov>

**Cc:** Senn, John <Senn.John@epa.gov>; Kenney, James <Kenney.James@epa.gov>; Milton, Philip <Milton.Philip@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>

**Subject:** RE: Draft Roll Out Plan for New Owner Audit Program

My comments are included in the attached. I am also looping in Phil Milton from OCE

Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

Thanks –

Tim

---

Timothy J. Sullivan  
Air Enforcement Division  
Office of Civil Enforcement  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
1595 Wynkoop Street (MC 8MSU)  
Denver, Colorado 80202

Phone: 303.312.6196 | Email: [sullivan.tim@epa.gov](mailto:sullivan.tim@epa.gov)

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---

**From:** Chapman, Apple  
**Sent:** Tuesday, May 1, 2018 9:34 AM  
**To:** Hull, George <[Hull.George@epa.gov](mailto:Hull.George@epa.gov)>  
**Cc:** Senn, John <[Senn.John@epa.gov](mailto:Senn.John@epa.gov)>; Sullivan, Tim <[Sullivan.Tim@epa.gov](mailto:Sullivan.Tim@epa.gov)>; Kenney, James <[Kenney.James@epa.gov](mailto:Kenney.James@epa.gov)>  
**Subject:** RE: Draft Roll Out Plan for New Owner Audit Program

Here is some initial comments. I am copying Jim and Tim Sullivan for input as well.

Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** (mobile) |

---

**From:** Hull, George  
**Sent:** Monday, April 30, 2018 5:46 PM  
**To:** Chapman, Apple <[Chapman.Apple@epa.gov](mailto:Chapman.Apple@epa.gov)>  
**Cc:** Senn, John <[Senn.John@epa.gov](mailto:Senn.John@epa.gov)>  
**Subject:** Draft Roll Out Plan for New Owner Audit Program

Apple,

Following up on our Friday meeting, please find attached a draft roll out plan for the New Owner Audit Program for the Oil and Gas Sector. I spoke a little bit with Patrick.

Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

DOCUMENT ED\_002311\_00003079 HAS BEEN WITHHELD IN FULL  
UNDER EXEMPTION 5, DELIBERATIVE PROCESS

Message

**From:** Bodine, Susan [bodine.susan@epa.gov]  
**Sent:** 5/3/2018 2:54:01 PM  
**To:** Benevento, Douglas [benevento.douglas@epa.gov]  
**CC:** Wagner, Kenneth [wagner.kenneth@epa.gov]; Traylor, Patrick [traylor.patrick@epa.gov]  
**Subject:** FW: New Owner Audit Program  
**Attachments:** OG New Owner Program - Audit Agreement - Draft\_Annotated\_04.19.2018.docx spb edits.docx

Doug,

I want to make you aware of the "new owner" audit program we are developing for the oil and gas sector.

## Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

There are no penalties.

## Deliberative Process / Ex. 5

Susan

---

**From:** Chapman, Apple  
**Sent:** Friday, April 27, 2018 4:02 PM  
**To:** Bodine, Susan <bodine.susan@epa.gov>  
**Cc:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Kenney, James <Kenney.James@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>  
**Subject:** New Owner Audit Program

Susan,

I wanted to update you on where we are with the New Owner Audit Program for the oil and gas sector. On

## Deliberative Process / Ex. 5

Thank you,  
Apple

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) **Ex. 6** (mobile) |



## Appointment

---

**From:** Microsoft Outlook [MicrosoftExchange329e71ec88ae4615bbc36ab6ce41109e@usepa.onmicrosoft.com]  
**Sent:** 5/3/2018 1:35:13 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]  
**Subject:** Meeting Forward Notification: Oil and Gas New Owner Audit Program, Call-in Number: Ex. 6 Conference ID: Ex. 6  
**Location:** 3204 WJC-South  
**Start:** 5/3/2018 3:00:00 PM  
**End:** 5/3/2018 4:00:00 PM  
**Recurrence:** (none)

## Your meeting was forwarded

Chapman, Apple has forwarded your meeting request to additional recipients.

### Meeting

Oil and Gas New Owner Audit Program, Call-in Number: Ex. 6 Conference ID: Ex. 6

### Meeting Time

Thursday, May 3, 2018 11:00 AM-12:00 PM.

### Recipients

Jonesi, Gary

All times listed are in the following time zone: (UTC-05:00) Eastern Time (US & Canada)

---

Sent by Microsoft Exchange Server

Message

**From:** Kelley, Rosemarie [Kelley.Rosemarie@epa.gov]  
**Sent:** 5/3/2018 12:27:14 PM  
**To:** Bodine, Susan [bodine.susan@epa.gov]  
**CC:** Traylor, Patrick [traylor.patrick@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Kenney, James [Kenney.James@epa.gov]; Brooks, Phillip [Brooks.Phillip@epa.gov]; Theis, Joseph [Theis.Joseph@epa.gov]  
**Subject:** Re: New Owner Audit Program

Apple and her staff are meeting with Patrick this morning to discuss revisions to the document. They can use that time to work thru your comments.

Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

Rosemarie

On May 2, 2018, at 10:37 PM, Bodine, Susan <bodine.susan@epa.gov> wrote:

## Deliberative Process / Ex. 5

**From:** Traylor, Patrick  
**Sent:** Monday, April 30, 2018 5:36 PM  
**To:** Chapman, Apple <Chapman.Apple@epa.gov>  
**Cc:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Kenney, James <Kenney.James@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>; Bodine, Susan <bodine.susan@epa.gov>  
**Subject:** RE: New Owner Audit Program

Thanks for this very good work. I'm attaching my comments/questions for discussion later this week with Susan.

**Patrick Traylor**  
Deputy Assistant Administrator  
Office of Enforcement and Compliance Assurance  
U.S. Environmental Protection Agency  
(202) 564-5238 (office)  
Ex. 6 (cell)

**From:** Chapman, Apple  
**Sent:** Friday, April 27, 2018 4:02 PM  
**To:** Bodine, Susan <bodine.susan@epa.gov>  
**Cc:** Kelley, Rosemarie <Kelley.Rosemarie@epa.gov>; Sullivan, Tim <Sullivan.Tim@epa.gov>; Kenney, James <Kenney.James@epa.gov>; Traylor, Patrick <traylor.patrick@epa.gov>; Brooks, Phillip <Brooks.Phillip@epa.gov>  
**Subject:** New Owner Audit Program

Susan,

I wanted to update you on where we are with the New Owner Audit Program for the oil and gas sector. On

Deliberative Process / Ex. 5

## Deliberative Process / Ex. 5

# Deliberative Process / Ex. 5

Thank you,  
Apple

*Ms. Apple Chapman* | Deputy Director, Air Enforcement Division | U.S. Environmental Protection Agency  
1200 Pennsylvania Ave. NW, Washington DC, 20004 | 202-564-5666 (office) | **Ex. 6** (mobile) |

<OG New Owner Program - Audit Agreement - Draft\_Annotated\_04.19.2018.docx spb  
edits.docx>

Message

---

**From:** Bailey, Ethel [Bailey.Ethel@epa.gov]  
**Sent:** 5/3/2018 12:13:52 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; Williams, Christopher [Williams.Christopher@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Fried, Gregory [Fried.Gregory@epa.gov]  
**CC:** Loving, Shanita [Loving.Shanita@epa.gov]  
**Subject:** Oil and Gas New Owner Audit Program, Call-in Number Ex. 6 Conference ID: Ex. 6

**Please note this meeting will be in Patrick's office.**

Good Morning Patrick,

There is a Correspondence training being held this morning in 3216 at 11am. This training has been scheduled in that conference room for weeks. Therefore, I will need to move your meeting to your office.

Sorry for any inconvenience.  
Ethel

-----  
**Subject:** Oil and Gas New Owner Audit Program, Call-in Number: Ex. 6 Conference ID:  
Ex. 6  
**Location:** 3213 WJC-South  
**Start:** Thu 5/3/2018 11:00 AM  
**End:** Thu 5/3/2018 12:00 PM  
**Recurrence:** (none)  
**Meeting Status:** Meeting organizer  
**Organizer:** Traylor, Patrick  
**Required Attendees:** Chapman, Apple; Williams, Christopher; Sullivan, Tim; Fried, Gregory

## Appointment

---

**From:** Loving, Shanita [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=439CE9C2D2104080A1B5908D3402BF20-LOVING, SHANITA]  
**Sent:** 4/30/2018 4:47:09 PM  
**To:** Traylor, Patrick [traylor.patrick@epa.gov]; Chapman, Apple [Chapman.Apple@epa.gov]; Williams, Christopher [Williams.Christopher@epa.gov]; Sullivan, Tim [Sullivan.Tim@epa.gov]; Fried, Gregory [Fried.Gregory@epa.gov]  
**CC:** Jonesi, Gary [Jonesi.Gary@epa.gov]  
**Subject:** Oil and Gas New Owner Audit Program, Call-in Number: **Ex. 6** Conference ID: **Ex. 6**  
**Location:** 3204 WJC-South  
**Start:** 5/3/2018 3:00:00 PM  
**End:** 5/3/2018 4:00:00 PM  
**Show Time As:** Busy

Task

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**Subject:** O&G New Owner Audit Program - Bill's request for a briefing  
**Start Date:** 7/24/2018  
**Due Date:** 7/24/2018

**Status:** Completed  
**Percent Complete:** 1

**Total Work:** 0  
**Actual Work:** 0

**Owner:** Traylor, Patrick

**From:** Traylor, Patrick  
**Sent:** Wednesday, July 18, 2018 5:53 PM  
**To:** Susan Bodine (bodine.susan@epa.gov)  
**Subject:** O&G New Owner Audit Program - Bill's request for a briefing

Because API copied Bill Wehrum on their comments on our new owner audit program, Bill has asked OAQPS staff for a briefing on our enforcement work in the O&G sector

## Deliberative Process / Ex. 5

Deliberative Process / Ex. 5

I thought we could invite him over to OECA for a briefing.

What do you think?

**Patrick Traylor**

Deputy Assistant Administrator

Office of Enforcement and Compliance Assurance

U.S. Environmental Protection Agency

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**Ex. 6** cell)

